

**PLANNING COMMISSION AGENDA
CITY OF PRAIRIE VILLAGE
TUESDAY, OCTOBER 1, 2019
7700 MISSION ROAD
COUNCIL CHAMBERS
7:00 P.M.**

I. ROLL CALL

II. APPROVAL OF PLANNING COMMISSION MINUTES - SEPTEMBER 10, 2019

III. PUBLIC HEARINGS

PC2019-120 Proposed revisions to the PV Zoning Regulations applicable to Chapters 19.02, 19.06, 19.08, 19.10, 19.12, 19.14, 19.16, 9.18, 19.20, 19.22, 19.23, 19.27, 19.28, 19.30, 19.32, 19.33, 19.34, 19.44, 19.47, 19.48, and 19.50

IV. NON-PUBLIC HEARINGS

PC2019-118 Site Plan Application - Fence Setback
4309 W. 75th Street
Zoning: R-1A
Applicant: Steve Rogers

V. OTHER BUSINESS

VI. ADJOURNMENT

Plans available at City Hall if applicable
If you cannot be present, comments can be made by e-mail to
cityclerk@pvkansas.com

***Any Commission members having a conflict of interest, shall acknowledge that conflict prior to the hearing of an application, shall not participate in the hearing or discussion, shall not vote on the issue and shall vacate their position at the table until the conclusion of the hearing.**

PLANNING COMMISSION MINUTES
September 10, 2019

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, September 10, 2019 in the Council Chambers at 7700 Mission Road. Chair Nancy Wallerstein called the meeting to order at 7:00 p.m. with the following members present: Jonathan Birkel, James Breneman, Patrick Lenahan, Melissa Brown, Greg Wolf and Jeffrey Valentino.

The following individuals were present in their advisory capacity to the Planning Commission: Chris Brewster, Gould Evans; Jamie Robichaud, Deputy City Administrator; Mitch Dringman, City Building Official; Ron Nelson, Council Liaison; and Adam Geffert, City Clerk/Planning Commission Secretary.

APPROVAL OF MINUTES

Mr. Breneman moved for the approval of the minutes of the August 6 regular Planning Commission meeting as presented. Mr. Birkel seconded the motion, which passed 5-0, with Mr. Lenahan and Mr. Wolf in abstention.

PUBLIC HEARINGS

PC2019-116 Special Use Permit Renewal - 7700 Mission Road Tower

Mr. Brewster stated that the permit renewal application was for the Sprint Spectrum equipment on the existing cell tower located on the municipal grounds behind City Hall. A site plan review was completed in 2018 when the equipment was last changed out. The special use permit was previously renewed in 2009 for a ten-year period; if approved, this renewal would extend for another 10 years. Mr. Brewster added that staff recommended approval subject to the same 10 conditions included in the previous renewal, along with the following new condition:

11. If the existing tower, or the overall SUP for the existing tower is amended in any way to accommodate structural changes for new equipment or a different capacity for this tower, or a new tower is constructed, the applicant shall comply with all design conditions in place at that time or which may be conditions of the new construction.

The applicant, Ann Kooyman, representing KGPCo, stated that she had no concerns with the conditions made by staff. Mrs. Wallerstein opened the public hearing at 7:04 p.m. With no one present to speak, Mrs. Wallerstein closed the hearing at 7:05 p.m.

Mr. Breneman made a motion to approve the renewal of the special use permit, subject to the conditions recommended by staff. Mr. Wolf seconded the motion, which passed unanimously.

NON-PUBLIC HEARINGS

PC2019-117 Re-Plat Application - 7609 Fontana Street

Mr. Brewster said that no procedure in the subdivision regulations existed to address lot splits of more than two lots. As a result, such applications must be reviewed via the final plat process. The property is located on the northeast corner of 77th Street and Fontana Street, and the applicant is proposing to split it into three lots: two facing Fontana, and one facing 77th Street. The property is zoned R-1B, and the dimensions of the proposed lots are consistent with zoning requirements and surrounding lot size patterns.

Mr. Brewster added that there is a sewer easement on the 77th Street side of the existing lot, and it is unclear whether additional easements would be needed to deliver power to Lot 1. He noted that any new public easements would require City Council approval. Furthermore, notice will have to be given to surrounding property owners before the existing home on the site is torn down, and any new structures will need to comply with neighborhood design standards.

Tim Tucker with Phelps Engineering spoke on behalf of the applicant, Fontana Partners, LLC. Mr. Tucker stated a 100-foot extension would need to be added to the existing sanitary sewer to serve the home built on Lot 1. Electrical service currently runs along the northern edge of the property, and would need to be extended at the rear of Lot 1, along with a pedestal to serve the home on Lot 2. Water and gas service will not need any additional easements. Mr. Tucker stated he was in agreement with the following four conditions recommended in the staff report:

1. To the extent that any of the easements shown on the plat are new easements and are dedicated to the City for public use, the Final Plat shall be submitted to the Governing Body for acceptance. In addition, the applicant shall confirm that no additional easements are necessary to serve Lot 1, or provide revised easements to be reviewed by Public Works prior to recording or any required acceptance by the Governing Body.
2. The requirement for sidewalks on both sides of the street is waived, since there are no sidewalks on any other lots along these block faces (east side of Fontana and north side of 77th), and sidewalks do exist on the opposite sides of each street.
3. That the applicant submit the Final Plat to the County (surveying and engineering) after approval and execution of all required signatures by the City.
4. Prior to any demolition or construction on the lots, the property owner(s) shall have provide notice to neighbors as required by the zoning ordinance. All new construction shall meet the neighborhood design standards applicable to new construction in R-1B, including the preservation or replacement of street trees.

Mr. Lenahan made a motion to approve the site plan, subject to the conditions recommended by staff. Mr. Breneman seconded the motion, which passed unanimously.

OTHER BUSINESS

Review site plan criteria in zoning regulations

Mr. Brewster stated that a public meeting on the proposed changes to zoning regulations would be held on September 17, after which they would be brought back before the Planning Commission in a public hearing at its October meeting. The updates affect sign regulations, landscape regulations, renewable energy regulations and site plan criteria. Mr. Brewster shared a presentation outlining the decision-making abilities of the Planning Commission, the Board of Zoning Appeals and City Council. Although the Planning Commission has limited discretion, it serves as the “gatekeeper” for zoning issues, and provides professional expertise to assist staff in making decisions.

Mr. Brewster reviewed section 19.32.030 of the zoning regulations regarding the standard of approval for site plan applications. Sections E and F in particular are vague and do not provide applicants and Commission members the specific detail needed to have a valuable discussion. Proposed changes in Section E focus on streetscapes and adjacent sites, while changes to Section F address the quality and appearance of building design, including materials, patterns and consistency.

Mr. Valentino stated that the new text in Section E.3 was nearly identical to Section A. He added that he liked the balance between vehicle and pedestrian circulation, and asked whether additional language regarding sustainability was needed. Discussion was also held to determine whether Sections F.2 and F.3 adequately addressed design consistency. Mr. Brewster stated that Section F.2 is more focused on design, whereas F.3 addresses pattern and material consistency.

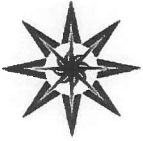
Mr. Brewster noted that it was important to be consistent when evaluating site plan applications rather than looking at each uniquely. Mr. Wolf shared that he was concerned about the approval standards becoming too specific. Mr. Brewster stated that if Section F.2 was made less vague, it could be applied more consistently and objectively. Mr. Birkel and Mr. Valentino agreed that building scale and proportion should be included in Section F.2.

Mrs. Wallerstein asked what the phrase “impact on the character of the surrounding neighborhood” meant in Section F, and if it appropriately described how a building interacts with the surrounding area. Mr. Lenahan suggested that a phrase such as “the relationship of the proposed building with the surrounding character of the neighborhood” would be a better choice.

ADJOURNMENT

With no further business to come before the Commission, Chair Nancy Wallerstein adjourned the meeting at 8:17 p.m.

Nancy Wallerstein
Chair



CITY OF PRAIRIE VILLAGE
The Star of Kansas

Cust # 20954
App # 0021088

Planning Commission Application

For Office Use Only
Case No.: PC2019-118
Filing Fee: 100.00
Deposit:
Date Advertised:
Date Notices Sent:
Public Hearing Date:

Please complete this form and return with Information requested to:

Assistant City Administrator
City of Prairie Village
7700 Mission Rd.
Prairie Village, KS 66208

Applicant: STEVE ROGERS Phone Number: 913 485 0661
 Address: 4309 W. 75TH ST. E-Mail: STEVE@PRIZEMARTIAGES.COM
 Owner: STEVE & JILL ROGERS Phone Number: 913 485 0661
 Address: 4309 W. 75TH ST. Zip: 66208
 Location of Property: CORNER OF 75TH & FONTANA
 Legal Description: JARBOE HEIGHTS W 202 FT LOT 1 PVC-4346

Applicant requests consideration of the following: (Describe proposal/request in detail) _____

AGREEMENT TO PAY EXPENSES

APPLICANT intends to file an application with the PRAIRIE VILLAGE PLANNING COMMISSION or the PRAIRIE VILLAGE BOARD OF ZONING APPEALS of the CITY OF PRAIRIE VILLAGE, KANSAS (City) for _____
As a result of the filing of said application, CITY may incur certain expenses, such as publication costs, consulting fees, attorney fees and court reporter fees.

APPLICANT hereby agrees to be responsible for and to CITY for all cost incurred by CITY as a result of said application. Said costs shall be paid within ten (10) days of receipt of any bill submitted by CITY to APPLICANT. It is understood that no requests granted by CITY or any of its commissions will be effective until all costs have been paid. Costs will be owing whether or not APPLICANT obtains the relief requested in the application.

[Signature] 9/4/19 [Signature] 9/4/19
 Applicant's Signature/Date Owner's Signature/Date

STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Chris Brewster, Gould Evans, Planning Consultant
DATE: October 1, 2019 Planning Commission Meeting

Application: PC 2019-118

Request: Site plan review for a fence, with an exception

Action: *A Site Plan requires the Planning Commission to apply the facts of the application to the standards and criteria of the ordinance, and if the criteria are met to approve the application. Fence standards have specific criteria to evaluate for granting exceptions.*

Property Address: 4309 W. 75th Street

Applicant: Steve Rogers

Current Zoning and Land Use: R-1A Single-Family District - Single-Family Dwelling

Surrounding Zoning and Land Use: **North:** R-1B Single-Family District – Single-Family Dwellings
East: R-1A Single-Family District - Single-Family Dwellings
South: R-1A Single-Family District – Single-Family Dwellings
West: R-1B Single-Family District - Single-Family Dwellings

Legal Description: JARBOE HEIGHTS W 202 Ft LOT 1 PVC-4346 (abbreviated)

Property Area: 61,695 sq. ft. (1.42 ac.)

Related Case Files: none

Attachments: Application, Photos



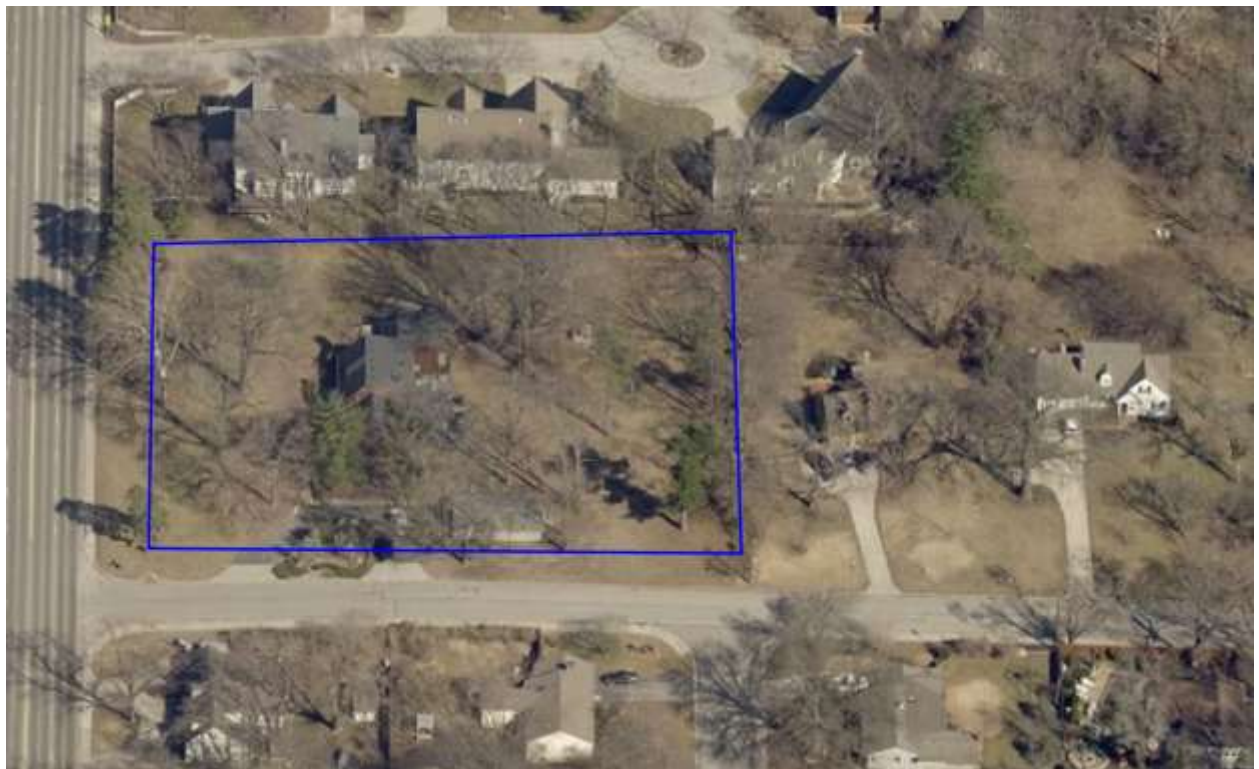
General Location – Map



General Location – Aerial



Site – Aerial



Birdseye



Street View (looking south on Fontana Street, subject property on left)



Street View (looking northeast at fence location,, subject property on left)

BACKGROUND:

The applicant is requesting an exception to the fence standards to construct a fence in the rear yard, setback approximately 13 feet from the side lot line along Fontana Street. The property is a corner lot on the southeast corner of 75th and Fontana, and faces 75th Street. Homes immediately to the south face Fontana Street. In this circumstance, the zoning ordinance requires the fence setbacks along side streets to be the greater of 15' or 50% of depth of the front yard of an adjacent building. [19.44.025.C.3] In this case the adjacent building (south on Fontana) is approximately 70 feet from the front lot on Fontana, which would require a fence to be 35 feet from the side lot line on Fontana.

ANALYSIS:

This property is zoned R-1A. The fence standards in section 19.44.025 apply to this property, and the following specific section is the subject of this application:

C. Location.

3. Fences located on the side street of a corner lot shall not be less than five (5) feet from the right-of-way line except that if an adjacent lot faces the side street, the fence shall be setback from the right-of-way line a distance of fifteen (15) feet or not less than one-half the depth of the front yard of an adjacent building, whichever is the greater setback. [19.44.025.B.1]

This section intends to preserve the streetscape relationships of lots and buildings in the specific situation where corner lots transition from a "reverse corner" orientation, where the lot faces a different street than the remaining homes further on the block. The additional setback provides a transition from the corner side lot line to the other homes' front lot lines.

There are several factors to note in this particular situation.

- The subject lot and the abutting lots on this block are all zoned R-1A, and surrounding lots on adjacent blocks (across Fontana and 75th Street) are zoned R-1B.
- The subject lot is large, even according to R-1A standards (1.42 acres, compared to minimum 0.23 acres), and the adjacent lots are large as well.
- The abutting lot to the south, which triggers the added fence setback, is setback approximately 70 feet from the front lot line (rather than the required 30 feet in R-1A zoning).
- The subject lot has a detached garage near the Fontana property line approximately 13 feet from the side lot line, and the fence is proposed to be located at the extension of this building line. (Note: This is a legal, non-conforming structure and Section 19.34.020 would require this structure to be 25 feet from the lot line.)
- The landscape area of the right-of-way is wider on the east side of Fontana, with the curb-line approximately 10 to 14 feet from the property line.
- Lots on the opposite side of Fontana, directly across from this proposed fence, are "back-to-back" lots, which allows the street side fences to be located closer to the right-of-way line.
- The proposed fence would be 13 feet from the property line and approximately 25 feet from the curb edge of the street.

The proposed fence generally meets all other fence requirements in Section 19.44.025, except for the location.

The fence standards allow the Planning Commission, through site plan review, to approve adjustments to the height and location of fences if it "results in a project that is more compatible, provides better screening, provides better storm drainage management, or provides a more appropriate utilization of the site. [19.44.025.G.1.]

The applicant held a neighborhood meeting as required by the Prairie Village Citizen Participation Policy and has provided background on that meeting with the application.

CRITERIA:

The following are the Site Plan review criteria from Section 19.32.

A. The site is capable of accommodating the buildings, parking areas, and drives with the appropriate open space and landscape.

This site is capable of meeting all requirements for residential property, although the orientation as a corner lot presents a different rear yard fencing configuration in relation to the street than would typically occur. The size of this lot and the adjacent lots also means that the buildings are farther from the lot lines than would ordinarily occur in R-1A, and this affects how the fence standards (based on actual building placement on adjacent lots) are applied to this situation.

B. Utilities are available with adequate capacity to serve the proposed development.

This site is currently served by utilities and they should be adequate to serve the proposed use.

C. The plan provides for adequate management of stormwater runoff.

No changes to the grade, building footprint or impervious surface are proposed and therefore stormwater runoff will not be affected.

D. The plan provides for safe ingress/egress and internal traffic circulation.

No changes to access or circulation are proposed with this plan.

E. The plan is consistent with good land planning and site engineering design principles.

The intent of the proposed location standards for fences is to improve to preserve the relationship of sites and buildings to the neighborhood street frontages. In this case, with the large lots, large rear yards, location of an existing accessory building, and the larger setback of the adjacent home, the proposed fence location preserves the relationship to the Fontana frontages as well as it would in meeting the standard. In addition, it provides a more logical location for the rear yard of the subject home and screening from that adjacent home.

F. An appropriate degree of compatibility will prevail between the architectural quality of the proposed building and the surrounding neighborhood.

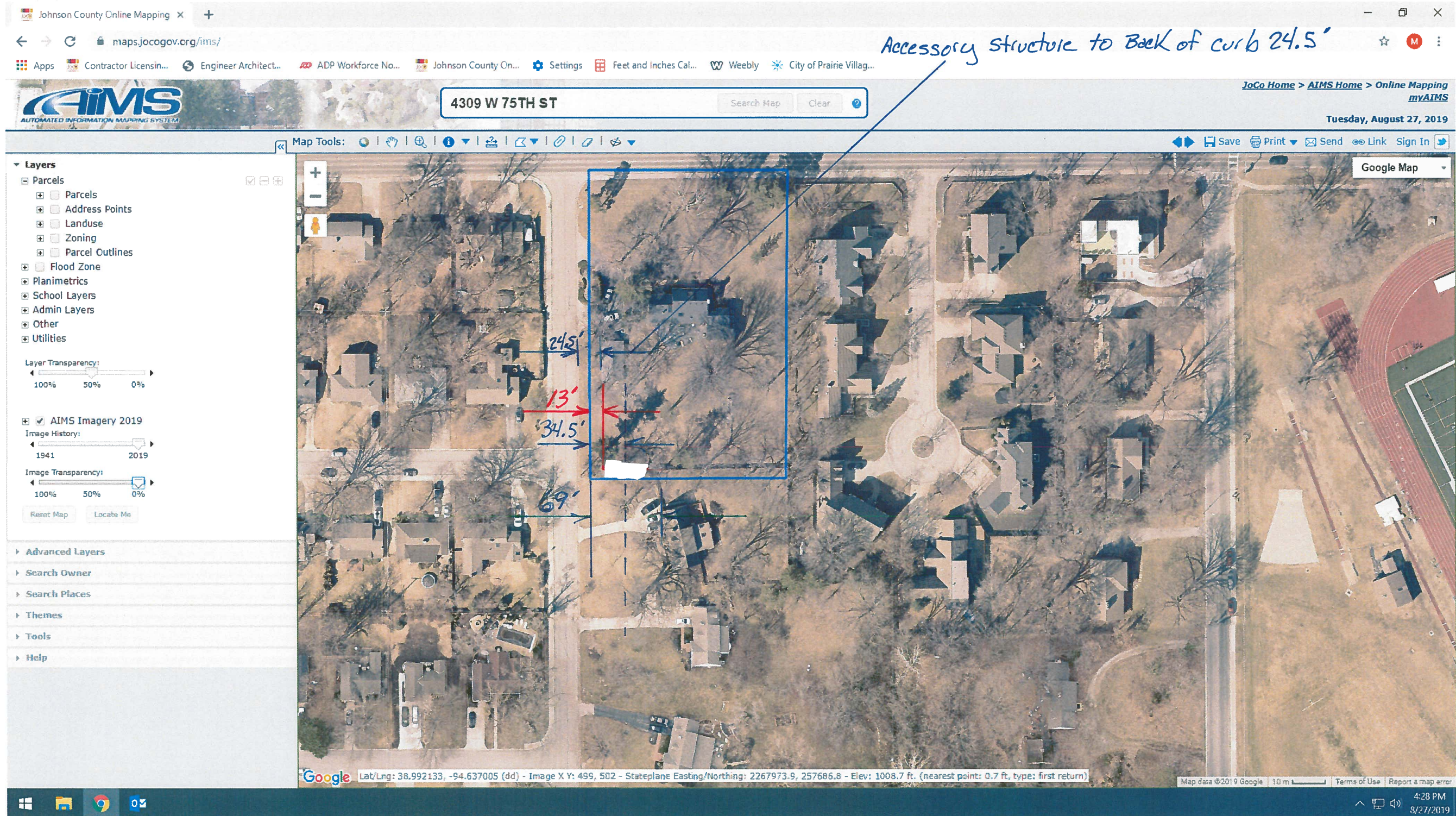
Other than as noted above in E., the fence otherwise complies with all design standards and is compatible for the area.

G. The plan represents an overall development pattern that is consistent with Village Vision and other adopted planning policies.

N/A

RECOMMENDATION:

Based on the information submitted with the application, planning staff recommends that the site plan approved.



Requesting Site Plan Approval from Planning Commission Regarding PVZC 19.44.025 Fences and walls Sub Section C# 3. Fences located on the side street of a corner lot shall not be less than 5 feet from the right of way line except that if an adjacent lot faces the side street, the fence shall be setback from the right of way line a distance of 15 feet or not less than one-half the depth of the front yard of an adjacent building, whichever is the greater setback. The proposed fence location would be 13 feet from the side lot line as field measured by City Staff. House to the south located at 7525 Fontana Street front yard depth has been field measured at 69 feet. The required setback by zoning code for this application is 34.5 feet from the side property line. Note: houses located due west of 4309 west 75th across the street with sides yards along Fontana street (4501 w 75th street , 4504 w 76th St, 4500 w 76th St and 4501 w 77th St) have back yard to back yard orientation with fences located 5 feet approximately from back side of sidewalks.



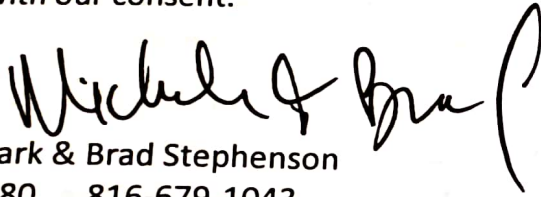
September 6, 2019

Steve & Jill Rogers
4309 W. 75th Street
Prairie Village, KS 66208

Steve & Jill:

We received your letter concerning the fence you'd like to install in your back yard. We understand city code requires the fence to be placed 35 feet from the curb and you wish to build it 25 feet from the curb. We have no objection to your intent to install the fence 25 feet from the curb along Fontana Street. Please proceed with our consent.

Regards,



Michelle Clark & Brad Stephenson
785-760-0680 816-679-1043

September 5, 2019

Dear Neighbor(s):

We recently moved into the neighborhood and are making improvements on our home and property. One of our objectives was to clean up the backyard and site line of the property by installing a privacy screen on the west side that faces Fontana Street. This would also provide safety and security for our children.

The City of Prairie Village notified us that due to a previous code on the books, the orientation of our property requires the fence to be set back based on the location of the property south of our home. We had planned to place the fence 25 feet from the curb, however, the code would require the fence to sit 35 feet from the curb. Placing the fence 10 feet in would look strange based on the location of the detached garage and would cut into the yard line. Interestingly enough, the properties on the west side of Fontana are only set back 13 feet from the curb but those homes are back-to-back and the code does not place restrictions with this orientation.

We were instructed to file an application to the City of Prairie Village Planning Commission to place the fence at 25 feet from the curb. The application requires us to provide an opportunity for our neighbors to raise any questions or concerns with the placement. The meeting must occur within one week of the submitted application. Therefore we have designated Monday, September 9 at 6pm for a meeting at our address (below). You are invited but you are NOT required to attend. Afterwards, a written summary report will be submitted to the Secretary of the Prairie Village Planning Commission identifying the persons in attendance and any concerns expressed.

Thank you for taking the time to read this letter and consider whether this issue is or personal concern to you.

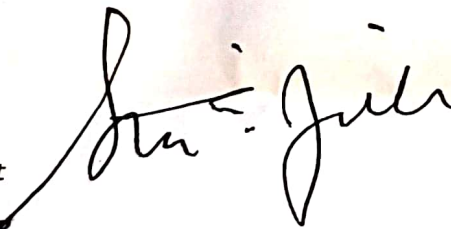
Best regards,

Steve & Jill Rogers

4309 West 75th Street

Prairie Village, KS 6208

913-485-0661



Zoning Ordinance Updates



Technical / “Clean up” Issues

- Interpretation of setback exceptions
- Coordination of SUP / CUP uses and process
- Sign ordinance update
- Landscape standards
- Other interpretation issues [fences, decks, site plans, etc.]

Policy / Planning Issues

- Multi-family Infill [R-2, R-3, R-4, & MXD]
- Neighborhood Infill or Redevelopment [R-1A/B]
- Commercial Reinvestment [Form-based Codes?]
- Zoning Districts & Uses - Generally

Special Tasks / Ongoing Issues

- Wireless Facilities Standards & Updates
- Neighborhood Design Focus Groups [“Phase II”]
- Renewable Energy Standards

Technical / “Quick Fixes”

- Interpretation of setback exceptions
- Coordination of SUP / CUP uses and process
- Sign ordinance update
- Landscape standards
- Other interpretation issues [fences, decks, site plans, etc.]

Policy / Planning Issues

- Multi-family Infill [R-2, R-3, R-4, & MXD]
- Neighborhood Infill or Redevelopment [R-1A/B]
- Commercial Reinvestment [Form-based Codes?]
- Zoning Districts & Uses - Generally

Special Tasks / Ongoing Issues

- Wireless Facilities Standards & Updates
- Neighborhood Design Focus Groups [“Phase II”]
- Renewable Energy Standards

Technical / “Quick Fixes”

- Interpretation exceptions
- Coordination of SUP / CUP uses and process
- Sign ordinance update
- Landscape standards
- Other interpretation issues [fences, decks, site plans, etc.]

Comp Plan
Discussions

Policy / Planning Issues

- Multi-family Infill [R-2, R-3, R-4, & MXD]
- Neighborhood Infill or Redevelopment [R-1A/B]
- Commercial Reinvestment [Form-based Codes?]
- Zoning Districts & Uses - Generally

Special Tasks / Ongoing Issues

- Wireless Facilities Standards & Updates
- Neighborhood Design Focus Groups [“Phase II”]
- Renewable Energy Standards

- Landscape Standards (19.47 - *NEW*)
- Sign Standards (19.48)
- Site Plan Criteria (19.32.030)
- Alternative Energy Systems (19.50)
- CUP / SUP / Uses and Districts (various sections)
- Wireless Facilities (19.33 - future updates)
- “Clean-up” items (street trees & encroachments)

OVERVIEW



Requirements for different site elements

- Streetscape & Frontage (ROW + 20')
- Building Foundation (w/in 20' of Building)
- Parking (interior & perimeter)
- Buffers (other locations needing mitigation)

Planting location guidelines and specifications

- Flexibility + performance standards

Exceptions

- Staff up to 10% of dimensions; 25% of plant requirement
- Greater coordination with PC site plan review



Streetscape & Frontage:

- 1 tree per 40'
- 2 if building set back more than 30'
- 50% on corner sides

≈ 25 trees




Foundation:

- 1 ornamental tree per 25'
- Evergreens substitute up to 50%
- 5 shrubs per 25'

≈ 14 trees; 66 shrubs





Parking:

- 1 large tree per 40' perimeter
- Ornamental substitute 2 for 1 up to 50%
- 1 large tree per 40' spaces
- Evergreens substitute 2 for 1 up to 50%
- 5 shrubs per 25' perimeter

≈ 29 trees; 190 shrubs



Buffers:

- Additional plants, walls, fences or combination may be required

≈ dependent on allocation of required plants

General Interpretation Improvements

- Better define / allocate “exempt” signs (flags, window signs, temporary signs, construction and sale/lease signs, etc.)
- 4 simplified categories for sign types:
 - Wall Signs (5%)
 - Monument Signs (20 s.f. / 5')
 - “Pedestrian Signs” (per entrance (1 @ 8s.f.) and per linear feet of frontage (per 50' @ 6 s.f))
 - Temporary Signs

Design & Location Standards for Specific Types

- Monument Signs; Wall Signs; Temporary Signs
- Improved multi-tenant requirements and guidelines

SIGN STANDARDS (19.48)



Current [19.23.030]:

- A. *Accommodate building(s), parking areas and drives with appropriate open space and landscape;*
 - B. *Adequate utilities;*
 - C. *Adequate stormwater management;*
 - D. *Safe and easy ingress, egress and internal traffic circulation;*
 - E. *Good land planning and site engineering design principles;*
 - F. *Appropriate degree of compatibility will prevail between the architectural quality of buildings and the surrounding neighborhood;*
 - G. *Consistent with the Comprehensive Plan / other adopted policies.*
-
- Improve criteria and give applicants better expectations based on past difficult applications.



SITE PLAN CRITERIA (19.32.030)

Current [19.23.030]:

- A. *Accommodate building(s), parking areas and drives with appropriate open space and landscape;*
- B. *Adequate utilities;*
- C. *Adequate stormwater management;*
- D. *Safe and easy ingress, egress and internal traffic circulation;*
- E. *Good land planning and site engineering design principles;*
- F. *Appropriate degree of compatibility will prevail between the architectural quality of buildings and the surrounding neighborhood;*
- G. *Consistent with the Comprehensive Plan / other adopted policies.*

- Improve criteria and give applicants better expectations based on past difficult applications.

SITE PLAN CRITERIA (19.32.030)



Proposed [19.23.030]:

A. General

1. Meets applicable standards
2. Consistency with comprehensive plan
3. Other public health, safety and welfare

B. Site Design & Engineering

1. Access & circulation for vehicles and pedestrians
2. Adequate utilities;
3. Adequate stormwater management;
4. Proper grading

C. Building Design

1. Relationships with streets and adjacent property - Massing / Orientation
2. Materials and application - Quality / Durability
3. Coordinated architectural design - Scale / Proportions / Forms / Features
4. Character of the area - Blending in (similarity) / Standing out (exemplary)

D. Landscape Design

1. Attractive aesthetics + streetscape relationship
2. Environmental and ecological performance
3. Buffer, and screening where necessary



SITE PLAN CRITERIA (19.32.030)

General Interpretation Improvements

- Codify recent PC interpretation on “roof - integrated” systems
- Clarify requirements for “visibility” from street.
- Address new or emerging options:
 - Vertical / wall mounted solar
 - “micro-” rooftop wind energy systems
- More flexibility, but associated with performance criteria on impacts on adjacent property (noise, glare, visibility).
- Administrative processes -
 - more as accessory use / building permit (staff);
 - some to site plan (PC) - small wind and exceptions to solar;
 - less to SUP (CC) - exceptions to small wind and larger wind in non-residential.



ALTERNATIVE ENERGY SYSTEMS (19.50)

1. Better distinctions between Special Use Permits and Conditional Use Permits

- Generally:
 - SUP = more thorough / discretionary review
 - CUP / Site Plan = routine / specific criteria or performance standards
- Process
 - SUP = Mailed & Posted notice / Public Hearing / Neighborhood Meeting / Council Approval
 - CUP / Site Plan = Mailed & Posted notice (?) / Public Hearing (?) / Neighbor Meeting (?) / Planning Commission Approval
- Change Criteria (currently the same for both)

2. Clean up list of uses

- Permitted uses -
 - Consistency of terminology between different zoning districts.
 - Generalize uses, but distinguish more based on scale / potential impact
- CUP / Site Plan vs. SUP - revisit lists based on above.
- Address recent interpretation issues (doggy daycare, wellness center, etc.)

Otherwise no substantive or policy changes to currently allowed uses

CUP / SUP / USES & DISTRICTS



Commercial Uses			
Retail – Micro (under 1.5K)	■	■	■
Retail – Small (1.5 – 5K)	○	■	■
Retail – General (5K – 20K)		○	■
Retail – Large (20K-80K)			■
Retail – Warehouse (80K+)			○
Retail - Drive through food and beverage		○	○
Retail -Outdoor Sales and Services			○

Table 19-## Allowed Uses										
■ = use is generally permitted, subject to general zoning district development and design standards. □ = use requires site plan review by Planning Commission, and may have use-specific standards per Section 19.30 ○ = use requires Special Use Permit and discretionary review by Planning Commission and City Council per Section 19.32										
Uses	R-1A	R-1B	R-2	R-3	R-4	C-0	C-1	C-2	C-3	MXD
Residential Uses										
Single family dwellings	■	■	■	■						
Two-family dwellings			■	■						
Garden Apartment Building or Apartment House				■						
Condominium					■					
Nursing and convalescent home	○	○	○	○		○	○	○		
Group home	■	■	■	■						
Civic Uses										
Golf courses (not mini-golf or commercial driving range)	■	■	■	■						
Public parks and rec areas	■	■	■	■	■	■	■	■	■	■
Assembly – Small (under 350 / under 5 ac.)	■	■	■	■	■	■	■	■	■	■
Assembly – Medium (351 to 700 / 5 – 10 ac.)	○	○	■	■	■	■	■	■	■	■
Assembly – Large (701 + / over 10 ac.)								○	○	
City hall, police, fire stations	■	■	■	■		■	■	■	■	■
Public libraries, museums, art galleries	■	■	■	■		■	■	■	■	■
Public schools, college and university centers operated by local district or state	■	■	■	■		■	■	■	■	■
Private schools	○	○	○	○		○	○	○	○	
Country clubs/private clubs w/ food/alcohol	○	○	○	○	○	○	○	○	○	○
Cemeteries	○	○	○	○		○	○	○	○	○
Columbarium	○	○	○	○	○	○	○	○	○	○
Hospital									○	
Commercial Uses										
Retail – Micro (under 1.5K)						■	■	■		
Retail – Small (1.5 – 5K)						○	■	■		
Retail – General (5K – 20K)							○	■		
Retail – Large (20K-80K)								■		
Retail – Warehouse (80K+)									○	
Retail - Drive through food and beverage								○	○	
Retail -Outdoor Sales and Services									○	
Office – Small (under 10K)						■	■	■		
Office – General (10K – 100K)						■	■	■		
Office – Large (over 100K)								○		
Personal Service – Small (under 5K s.f.)						■	■	■		
Personal Service – General (5K – 20K s.f.)						■	○	■		
Personal Service – Large (more than 20K s.f.)								■		
Animal Care – Veterinary Office						○	■	■		
Animal Care – Pet Daycare							○	■		
Animal Care – Animal Hospital								■		
Animal Care – Boarding (non-accessory / non-medical)								○	○	
Bed and Breakfast							■			
Day Care Centers	○	○	○	○	○	■	■	■		
Nursery sales office / greenhouse (wholesale or retail)								○	○	
Service Stations (non-car wash)								○	○	
Car wash (w/ or w/o service station)								○	○	
Skating rinks / commercial recreation								○	○	
Mortuary / Funeral Home							○	○	○	
Bar / Night Club							○	○	○	
Utility storage Buildings (non residential)							○	○	○	

C-3 is a planned commercial district and uses shall be specified based on a development plan, however should be based on combinations of the permitted uses in the C-0, C-2 and C-2 districts
 No specific uses permitted.

MXD is a planned mixed-use district and uses shall be specified based on a development plan, however should be based on combinations of the permitted uses in the R-3, C-0, C-2 and C-2 districts
 No specific uses permitted.

Special Use Permit Uses [current] / *[new]*

- Nursing and Convalescent Home
- Dwelling for Senior Adults
- Group Home - general
- Private Schools
- Country Clubs / Private Clubs
- Columbarium
- Hospital
- Day Care Centers
- Nursery
- Service Station
- Skating Rings
- Mortuary / Funeral Home
- Bar / Night Club
- *Assembly (larger than permitted scale)*
- ~~*Utility Storage Buildings (non-residential)*~~
- *Retail, Office or Service (larger than permitted scale)*
- *Outdoor sales and service - general*
- *Animal Care (larger than permitted scale)*
- *Drive-Through Retail Food & Beverage*

Conditional Use / Site Plan Uses [current] / *[new]*

- *Drive-up / ~~Drive-through~~ / Dine-in*
- *Drive up service - non-food or beverage*
- *Outdoor sales and service - limited*
- Satellite dish antennas over 1-meter (non-commercial)
- Property Maintenance facilities
- Portable carts, booths and stands for retail
- Utility boxes larger than 12 s.f., etc.
- Temporary use of land for commercial or industrial
- Off-street parking lots and parking structures

Neighborhood Design (19.06.025.C & 19.08.025.C)

- Frontage landscape and “street tree” requirement
- Coordinate with Public Works permitting process
- Update terminology (“street tree” vs. “private tree”)
- Clarify and emphasize PW / Tree Board Species list

Yard Exceptions Encroachments (19.44.020.C.)

- Re-instate 12’ rear yard encroachment for porches, etc.



CLEAN-UP ITEMS

Planning Commission Recommendations

- Planning Commission Public Hearing (tonight)
- Potential Recommendations to City Council
- City Council Consideration / Potential Approval (TBD, October 21, 2019)

NEXT STEPS



Prairie Village Zoning Ordinance Updates
Site Plan Criteria – Final Draft 09/12/19

19.32.030 Standard of Approval.

In making a determination that the Site Plan meets the standards of the zoning ordinance and that the standards are appropriately applied to the specific site, the Planning Commission shall give consideration to the following criteria:

- A. Generally.
 - 1. The plan meets all applicable standards.
 - 2. The plan implements any specific principles or policies of the comprehensive plan that are applicable to the area or specific project.
 - 3. The plan does not present any other apparent risks to the public health, safety or welfare of the community.
- B. Site Design and Engineering.
 - 1. The plan provides safe and easy access and internal circulation considering the site, the block and other surrounding connections, and appropriately balances vehicle and pedestrian needs.
 - 2. The plan provides or has existing capacity for utilities to serve the proposed development.
 - 3. The plan provides adequate management of storm water runoff.
 - 4. The plan provides proper grading considering prevailing grades and the relationship to adjacent sites.
- C. Building Design.
 - 1. The location, orientation, scale and massing of the building creates appropriate relationships to the streetscape and to adjacent properties.
 - 2. The selection and application of materials will promote proper maintenance and quality appearances over time.
 - 3. The architectural design reflects a consistent theme and design approach. Specifically the scale, proportion, forms and features, and selection and allocation of materials reflect a coordinated, unified whole.
 - 4. The building reinforces the character of the area and reflects a compatible architectural relationship to adjacent buildings. Specifically the scale, proportion, forms and features, and materials of adjacent buildings inform choices on the proposed building.
- D. Landscape Design.
 - 1. The plan creates an attractive aesthetic environment and improves relationships to the streetscape and adjacent properties.
 - 2. The plan enhances the environmental and ecological functions of un-built portions of the site.
 - 3. The plan reduces the exposure and adverse impact of more intense activities or components of the site or building.

CHAPTER 19.30 - CONDITIONAL USE PERMITS

Sections:

19.30.005	General.
19.30.010	Public Hearing.
19.30.015	Notice of Hearing.
19.30.020	Conduct of Hearing.
19.30.025	Applications.
19.30.030	Factors for Consideration.
19.30.035	Planning Commission Action.
19.30.040	Expiration of Approval.
19.30.045	Assignments.
19.30.050	Appeals of Conditional Use Permits.
19.30.055	Specifically Listed Conditional Uses.

19.30.005 General.

Conditional uses are those types of uses, which, due to their nature, may be detrimental to the health, safety, welfare or property values of the immediate neighborhood and its environs. Within various zoning districts, conditional uses may be permitted only after compliance with specified conditions as established by these Zoning Regulations and by the Planning Commission. In no event shall a Conditional Use Permit be granted where the conditional use contemplated is not specifically listed as a conditional use in the Zoning Regulations.

19.30.010 Public Hearing.

The Planning Commission shall hold a public hearing on each proposed Conditional Use Permit application and shall cause an accurate written summary to be made of the proceedings.

19.30.015 Notice of Hearing.

A notice of said public hearing shall be published in the newspaper at least twenty (20) days prior to the public hearing and a copy shall be mailed by the applicant, return receipt requested, to all owners of record of lands within two hundred (200) feet of the property to which the Conditional Use Permit application applies. Said notice shall be sent at least twenty (20) days before the hearing at which said Conditional Use Permit application is scheduled to be considered. Such notice shall fix the time and place for such hearing, shall contain a statement regarding the proposed conditional use, and shall contain a legal description or general description that is sufficient to identify the property under consideration. All notices shall contain a statement that a complete legal description is available for public inspection and shall indicate where such information is available. When the notice has been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action taken by the Planning Commission. The applicant shall furnish all return receipts to the Secretary of the Planning Commission. Such notice is sufficient to permit the Planning Commission to take action on a proposed Conditional Use Permit as described in such notice.

19.30.020 Conduct of Hearing.

The hearing shall be conducted and a record of the proceedings shall be preserved in such manner and according to such procedures as the Planning Commission may from time to time prescribe by rule. Any interested person or party may appear and be heard at the hearing in person, by agent or by attorney. The Planning Commission may request a report on any proposed Conditional Use Permit from any governmental official or agency, or any other person, firm or corporation. If such a report is made, a copy thereof shall be made available to the applicant or any other interested persons upon request and shall be available for review in the office of the Secretary of the Planning Commission.

19.30.025 Applications.

- A. The applicant shall prepare and submit at the time of filing an application as supplied by the City, fourteen (14) copies of a site plan of the property to which the Conditional Use Permit application applies and one (1) copy of any other information that may be helpful to the Planning Commission in reviewing said application. The Site Plan shall be submitted in accordance with the requirements set out in Section 19.32 Site Plan Approval.
- B. An application shall be accompanied by a filing fee in an amount as established by the ~~City Council~~Governing Body. A separate filing fee shall be required for each request.

19.30.030 Factors for Consideration.

The Planning Commission shall make findings of fact to support its decision to approve or disapprove a Conditional Use Permit. In making its decision, consideration shall be given to any of the following factors that are relevant to the request:

- A. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitations;
- B. The proposed conditional use at the specified location will not adversely affect the welfare or convenience of the public;
- C. The proposed condition use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located;
- D. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood consideration shall be given to:
 - 1. The location, size, nature and height of buildings, structures, walls, and fences on the site; and
 - 2. The nature and extent of landscaping and screening on the site.
- E. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations, and such areas will be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect;
- F. Adequate utility, drainage, and other such necessary facilities have been or will be provided;
- G. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys;
- H. Adjoining properties and the general public shall be adequately protected from any hazardous or toxic materials, hazardous manufacturing process, obnoxious odors or unnecessarily intrusive noises.

It is not necessary that a finding of fact be made for each factor described herein. However, there should be a conclusion that the request should be approved or denied based upon consideration of as many factors as are applicable.

19.30.035 Planning Commission Action.

Upon conclusion of the public hearing and preparation of the findings of fact, the Planning Commission shall by resolution by a majority of its members present and voting, approve, approve subject to conditions or deny the conditional use application.

In granting a Conditional Use Permit, the Planning Commission may impose such conditions, safeguards and restrictions upon the premises benefited by the Conditional Use as may be necessary to reduce or minimize any potentially injurious effect of such Conditional Use upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations.

19.30.040 Expiration of Approval.

All Conditional Use Permits shall be valid for the length of time set forth by the Planning Commission in the approval of said Conditional Use Permit application provided, however, that all such permits shall expire when the use for which the permit has been issued is discontinued or abandoned, for a period of six (6) consecutive months. Such use shall not thereafter be re-established or resumed, unless a new permit is issued following the procedures set forth herein.

19.30.045 Assignments.

Conditional Use Permits may be assigned, conveyed or transferred to another owner *or* operator subject to a signed statement by the new owner or operator that he/she has read the conditions of approval and agrees to be bound by the terms of approval.

19.30.050 Appeals of Conditional Use Permits.

Any person, official or governmental agency dissatisfied with the Planning Commission's decision on any Conditional Use Permit application may bring an action in the District Court to determine the reasonableness of any such decision. Such appeals must be filed in the District Court within thirty (30) calendar days after the date that the decision of the Planning Commission was made. Provided, this section shall not apply to any person who is availing themselves of the appeal provisions set forth in K.S.A. 66-2019(h)(6), as amended, as codified in Section 19.33.020.E of the City Zoning Regulations, or in Federal Communications Commission (FCC) Declaratory Ruling dated September 27, 2018, in WT Docket Nos. 17-79 and 17-84 (FCC 18-133, 33 FCC Rcd 9088), to the extent such FCC Declaratory Ruling applies and/or is in effect.

19.30.055 Specifically Listed Conditional Uses.

The following uses may be permitted by conditional use permit:

- A. Temporary use of land for commercial or industrial purposes; provided that any building or structure constructed thereon which is not otherwise permitted in the district in which such land is situated, and any stored equipment or material shall be removed upon the date of expiration of the conditional use permit, which permit shall be valid for not more than two years, but may be renewable after public hearing;
- B. Off-street parking lots and parking structures;
- C. Drive-up, drive-through or drive-in services in the C-O, C-1, and C-2 Districts. Such permit shall not be approved unless the following conditions and procedures are met:
 - a. The access, circulation and stacking pattern of vehicles using such facility shall be reviewed and approved by the city's traffic engineers prior to Planning Commission approval of plans.
 - b. Alcoholic or cereal malt beverages shall not be sold or otherwise dispensed at such facility.

- c. A conditional use permit for drive-up, drive-through or drive-in food services shall be approved only for premises located in Districts C-1 and C-2.
- D. Satellite dish antennas, with a diameter of one meter or greater and those not permitted in Section 19.34.040-(D); and non-commercial transmitting and receiving antennas and towers;
- E. Property Maintenance Facilities. Buildings, structures and premises for property maintenance facilities, and uses;
- F. Portable carts, booths and stands or other similar facilities used for retail sales of merchandise.
- G. Utility boxes or Accessory Equipment (as defined in Chapter 19.33) that have a footprint larger than twelve (12) square feet in area, a pad greater than 2.5 times the area of the utility box footprint or greater than ~~32~~thirty-two (32) square feet; or have a height of more than fifty-six (56) inches, except to the extent the same constitutes an Eligible Facilities Request under Chapter 19.33 of the City Zoning Regulations.
 - 1. For utility boxes, facilities, or Accessory Equipment to be located in the Public Right-of-Way, and for which a Conditional Use Permit is required, in addition to the factors set forth in Section 19.30.030 above, consideration shall be given to the requirements and design standards set forth in Chapter 13, Article 5 of the City Code (Use and Occupancy of the Public Right-of-Way), as amended from time to time.
 - 2. Prior to consideration by the Planning Commission, the applicant must hold a neighborhood meeting and invite all persons to whom notice is required to be given under Section 19.30.015 above. The applicant must consider and receive input on whether it is not feasible to incorporate or adopt the City's standard design standards or requirements, and what other reasonable alternatives are available based on the circumstances, context, and streetscape designs and constraints of the specific site. The applicant must present the results from the neighborhood meeting as part of the justification for any Conditional Use Permit.

CHAPTER 19.33 – WIRELESS COMMUNICATION FACILITIES

Sections:

19.33.005	Intent.
19.33.010	Purpose.
19.33.015	Definitions.
19.33.020	Special Use Permit Requirement.
19.33.025	Factors For <u>for</u> Consideration.
19.33.030	Application Information.
19.33.035	Design Requirements.
19.33.040	Conditions of Approval.
19.33.045	Site Plan Approval.
19.33.050	Exceptions.
19.33.055	Existing Site Improvements.
19.33.060	Small Wireless Communications Antennae.

19.33.005 Intent.

~~The Telecommunications Act of 1996 grants Numerous provisions of state and federal law grant~~ authority to local jurisdictions over decisions regarding the placement, construction, and modification of ~~wireless communication facilities~~ Wireless Facilities, towers-Towers, and antennaeAntennae. As the City has diverse and unique landscapes that perpetuate the identity of its residential neighborhoods, protection of these valuable resources is paramount. Accordingly, the Governing Body finds that the unregulated placement and design ~~of wireless communication facilities~~ Wireless Facilities, towers-Towers, and antennae Antennae results in visual clutter that adversely affects community aesthetics and damages the character of the City. This ordinance is intended to provide minimum standards that ensure that the wireless communication needs of residents and businesses are met, while at the same time the general health, safety and welfare of the community is protected.

19.33.010 Purpose.

~~A wireless-Wireless~~ communication ~~facility~~facilities, tower or towers, and antenna including ~~its-their~~ respective equipment, ~~but excluding and including~~ small wireless communication antennae as ~~set out~~ set out in Section 19.33.055 may be sited, constructed, designed or maintained provided that it is in conformance with the stated standards, procedures, and other requirements of this ordinance. More specifically, these regulations are necessary to:

- A. Provide for suitable location of ~~wireless communication facilities~~ Wireless Facilities, towers Towers, and antennae-Antennae so as to mitigate their negative effect on residential neighborhoods and land uses;
- B. Maintain community aesthetics by minimizing the negative visual effects of ~~wireless communication facilities~~ Wireless Facilities, towers-Towers, and antennae-Antennae through specific design and siting criteria;
- C. Maximize the use of ~~existing towers and alternative tower structures~~ Existing Towers, Wireless Support Structures, and Alternative Tower Structures so as to minimize the need for new ~~tower~~ locations;
- D. Examine ~~co-location~~ Collocation among ~~wireless service~~ providers of Wireless Services on existing and newly constructed sites in order to reduce the overall number of ~~towers-Towers and~~ Wireless Support Structures needed; and

E. Promote the use of innovative stealth, camouflage and disguise techniques for ~~wireless communication facilities~~ Wireless Facilities, ~~towers~~ Towers, and ~~antennae~~ Antennae so as to integrate their appearance with the many architectural and natural themes found throughout the City.

E. Protect the health, safety, and welfare of the community.

19.33.015 Definitions.

For the purposes of this Ordinance, the following terms shall be defined as:

A. **Accessory Equipment:** Any equipment serving or being used in conjunction with a Wireless Facility or Wireless Support Structure including, but not limited to, utility or Transmission Equipment, power supplies, generators, batteries, cables, equipment building, equipment compound, cabinets and storage sheds, shelters, or similar structures. Accessory Equipment includes, but is not limited to, any electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, cut-off switch and vertical cable runs for the connection of power and other services.

B. **A. Alternative Tower Structure:** This shall mean man-made trees, clock towers, bell steeples, Utility Poles, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of ~~antennas or towers~~ Antennas or Towers.

C. **B. Antenna:** Any structure or device used to collect or radiate electromagnetic waves or signals for the provision of ~~cellular, paging, personal communications services (PCS) and microwave communications. Such structures and devices include, but are not limited to, directional antennas, such as panels, microwave dishes and satellite dishes and omni directional antennas, such as whips.~~ Wireless Services.

■ **Distributed Antenna System (DAS) Facility:** A network that distributes radio frequency signals and consisting of:

1. Remote communications or Antenna nodes deployed throughout a desired coverage area, each including at least one Antenna for transmission and reception;
2. A high capacity signal transport medium that is connected to a central communications hub site; and
3. Radio transceivers located at the hub's site to process or control the communications signals transmitted and received through the Antennas to provide Wireless Services within a geographic area or structure.

■ **Small Cell Facility:** A Wireless Facility that meets all of the following qualifications:

1. Each Antenna is located inside an enclosure of no more than six (6) cubic feet in volume, or in the case of an Antenna that has exposed elements, the Antenna and all of the Antenna's exposed elements could fit within an imaginary enclosure of no more than six (6) cubic feet;
2. Primary equipment enclosures that are no larger than seventeen (17) cubic feet in volume, or facilities comprised of such higher limits as the FCC has excluded from review pursuant to 54 U.S.C. § 306108. Accessory Equipment may be located outside the primary equipment, and if so located, are not to be included in the calculation of equipment volume; and
3. The structure on which the Antenna facilities are mounted:
 - (a) is fifty (50) feet or less in height; or
 - (b) is no more than ten percent (10%) taller than other adjacent structures; or

(c) is not extended to a height of more than ten percent (10%) above its preexisting height as a result of the Collocation of new Antenna facilities, whichever is greater.

■ **Small Cell Network:** A collection of interrelated Small Cell Facilities designed to deliver Wireless Services.

D. **Base Station:** A station that includes a structure that currently supports or houses an Antenna, transceiver, coaxial cables, power cables, or other Accessory Equipment at a specific Site that enables FCC-licensed or authorized Wireless Service to mobile stations, generally consisting of radio transceivers, Antennas, coaxial cables, power supplies, and other associated electronics. The term does not mean a Tower, and it does not include any structure that, at the time the relevant application is filed with the City, does not support or house equipment described in this paragraph or that was not previously approved under the applicable zoning or siting process. A Base Station may include such things as a building, a steeple, water tower, sign, or other non-Tower structure.

E. ~~Co-location:~~ **Collocation:** The act of siting Wireless Facilities from more than one provider in the same location on the same Tower or Wireless Support Structure as other ~~Telecommunications~~ Wireless Facilities. ~~C. Co-location~~ **Collocation** also means locating ~~Telecommunications~~ Wireless Facilities on an existing structure (for example: ~~Base Stations~~, buildings, water tanks, towers, utility poles, etc.) without the need to construct a new ~~support structure~~ Tower or Wireless Support Structure.

~~D. Equipment:~~ Any equipment serving or being used in conjunction with a ~~Telecommunications Facility~~ or Support Structure. This equipment includes, but is not limited to, ~~utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.~~

E. **Eligible Facilities Request:** Any request for Modification of an Existing Tower or Base Station that does not Substantially Change the physical dimensions of such Tower or Base Station, involving:

1. Collocation of new Transmission Equipment;
2. Removal of Transmission Equipment; or
3. Replacement of Transmission Equipment.

G. **Eligible Support Structure:** Any Tower or Base Station, provided that it is Existing at the time the relevant application is filed.

H. ~~E~~**Equipment Compound:** The area in which a Wireless Facility, Wireless Support Structure, the equipment and ~~tower~~ Tower may be located which is enclosed with a fence or wall or is within a building or structure.

I. **Existing:** A constructed Tower, Wireless Support Structure, Utility Pole, or Base Station is Existing if it has been reviewed and approved under the applicable zoning or siting process, provided that a Tower, Wireless Support Structure, Utility Pole, or Base Station that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is Existing for purposes of this definition.

J. **FCC:** The Federal Communications Commission.

K. ~~**F.Maintenance:**~~ Ensuring that ~~Telecommunications-Wireless~~ Facilities-, ~~Towers,~~ and ~~Wireless~~ Support Structures are kept in good operating condition. Maintenance includes inspections, testing and modifications that maintain functional capacity, aesthetic and structural integrity; for example ~~_~~ the strengthening of a ~~Wireless~~ Support Structure's foundation or of the ~~Wireless~~ Support Structure itself or replacing Antennas and Accessory Equipment on a like-for-like basis on an existing ~~Telecommunications-Wireless~~ Facility. Ordinary maintenance also includes maintaining walls, fences and landscaping including the replacement of dead or damaged plants as well as picking up trash and debris. Ordinary Maintenance does not include Modifications.

~~**G.Modifications:** Improvements to existing Telecommunications Facilities and Support Structures, that result in some material change to the Facility or Support Structure. Such Modifications include, but are not limited to, extending the height of the Support Structure, replacing the support structure and the expansion of the compound area for additional equipment.~~

~~**H. Monopole:** A single, freestanding pole-type structure supporting one or more Antenna.~~

~~**I. Stealth Telecommunications Facility:** Any Telecommunications Facility that is integrated as an architectural feature of a structure or the landscape so that the purpose of the Facility for providing wireless services is not readily apparent to a casual observer.~~

~~**J. Support Structure(s):** Monopoles, Towers, Utility Poles and other freestanding self-supporting structure which supports a device used in transmitting or receiving radio frequency energy.~~

L. ~~**Modifications or Modify:**~~ The addition, removal, or change of any of the physical and noticeably visible components or aspects of a Wireless Facility such as Antennae, cabling, radios, equipment shelters, landscaping, fencing, utility feeds, changing the color or materials of any noticeably visible components, vehicular access, parking, upgrade or exchange of equipment for better or more modern equipment (provided, that Modification shall not include replacement of components in-kind). ~~Modifications also include, but are not limited to, extending the height of any Wireless Support Structure, replacing the Wireless Support Structure, and the expansion of the Equipment Compound area for additional equipment. A Collocation which changes the dimensions of an Existing Wireless Facility, Utility Pole, Tower, or Wireless Support Structure shall be considered a Modification. The Public Works Director shall determine when changes such as enlarging the ground-mounted equipment area, increasing the screen wall height, or installing additional equipment changes the physical and noticeably visible aspects of a Wireless Facility.~~

M. ~~**Public Right-of-Way or ROW:**~~ The area on, below, or above streets, alleys, bridges, and parkways in which the City has a dedicated or acquired right-of-way interest in the real property.

N. ~~**Public Right-of-Way Ordinance:**~~ Chapter 13, Article 5 of the City Code (Use and Occupancy of the Public Right-of-Way), as amended from time to time.

O. ~~**Site:**~~ For Towers or Wireless Support Structures, other than Towers or Wireless Support Structures in the Public Rights-of-Way, the ~~current boundaries of the leased or owned property surrounding the Tower and any access or utility easements currently related to the Site, and, for other Eligible Support Structures, further restricted to that area in proximity to the structure and to other Transmission Equipment already deployed on the ground.~~

P. ~~**Stealth or Stealth Technology:**~~ Using the least visually and physically intrusive facility by ~~minimizing adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and generally in the same area as the requested location of a~~

Wireless Facility. Specifically, this means ensuring that all Antenna arrays, cables, and other Accessory Equipment used for providing the Wireless Service are not obtrusive or noticeably visible from adjacent properties or adjacent Public Rights-of-Way. Any Accessory Equipment mounted on to a Tower or Wireless Support Structure shall not project greater than one (1) foot, as measured horizontally, from the surface of the Tower or Wireless Support Structure and shall be painted or screened with materials that are a complementary color as the Tower or Wireless Support Structure. Cables shall not be allowed to travel along the exterior of a Tower or Wireless Support Structure. Understanding that new technologies are anticipated to change the components of Wireless Facilities, the Public Works Director may determine if a Wireless Facility or component thereof is designed to be Stealth.

Q. Substantial Change: A Modification that substantially changes the physical dimensions of an Eligible Support Structure (Tower or Base Station) by any of the following criteria:

1. Height.

- (a) For Towers other than Towers in the Public Rights-of-Way, an increase in the height of the Tower by more than ten percent (10%) or by the height of one (1) additional Antenna array with separation from the nearest Existing Antenna not to exceed twenty feet, whichever is greater.
- (b) For other Eligible Support Structures (i.e., Towers in the Public Rights-of-Way or Base Stations), an increase in the height of the structure by more than ten percent (10%) or more than ten (10) feet, whichever is greater.

Changes in height are measured from the original support structure in cases where deployments are or will be separated horizontally (such as on buildings' rooftops); in other circumstances, changes in height should be measured from the dimensions of the Tower or Base Station, inclusive of originally approved appurtenances and any previously approved modifications.

2. Width/Girth.

- (a) For Towers not in the Public Rights-of-Way, adding an appurtenance to the body of the Tower that protrudes from the edge of the Tower more than twenty (20) feet, or more than the width of the Tower at the level of the appurtenance, whichever is greater.
- (b) For other Eligible Support Structures (i.e., Towers in the Public Rights-of-Way or Base Stations), adding an appurtenance to the body of the structure that protrudes from the edge of the structure by more than six (6) feet.

3. New Equipment Cabinets.

- (a) For any Eligible Support Structure, the installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets.
- (b) For Towers in the Public Rights-of-Way and Base Stations, the installation of any new equipment cabinets on the ground if there are no pre-Existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent (10%) larger in height or overall volume than any other ground cabinets associated with the structure.

4. Any excavation or deployment outside the current Site.

5. Defeating the Stealth Technology or concealment elements of the Eligible Support Structure.

6. Not complying with conditions associated with the siting approval of the construction or Modification of the Eligible Support Structure or Base Station equipment, provided however that this limitation does not apply to any Modification that is non-compliant only in a manner that would not exceed the thresholds identified in subsections 1. through 4. above.

R. **Tower or Wireless Support Structure:** Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized Antennas and their Accessory Equipment, including structures that are constructed for Wireless Services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed Wireless Services and fixed Wireless Services such as microwave backhaul, and the associated Site. The terms include, but are not limited to, monopoles (a single, freestanding pole-type structure, without guy wires and/or ground anchors) and lattice towers (a tower consisting of a guyed or self-supporting three- or four-sided, open, frame structure) used to support Antennas and Transmission Equipment.

S. **Transmission Equipment:** Equipment that facilitates transmission for any FCC-licensed or authorized Wireless Service, including but not limited to, radio transceivers, Antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with Wireless Services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed Wireless Services and fixed Wireless Services such as microwave backhaul.

T. **Utility Pole:** A structure owned or operated by the City, or a public utility as defined in K.S.A. 66-104, and amendments thereto, or an electric cooperative as defined in K.S.A. 17-4652, and amendments thereto, that is designed specifically for and used to carry lines, cables, or wires for telecommunications, cable, electricity, or to provide lighting.

U. ~~K. Wireless Communications Facility(ies):~~ Any **Wireless Facility:** A structure, facility, or location designed, or intended to be used as, or used to support, Antennae, Small-Cell Facilities, or other Transmission Equipment used in Wireless Services. This includes, without limit, Towers, Wireless Support Structures, Utility Poles and Base Stations or other structures that can or are requested to be used as a support structure for Antennae or the functional equivalent of such. It further includes Antennae, Small Cell Facilities, and Distributed Antenna Systems (DAS). It further includes all related Accessory Equipment associated with the Site. It includes any unmanned facility established for the purpose of providing wireless transmission of voice, data, images or other information including, but not limited to, Wireless Services, cellular telephone service, personal communications service (PCS), and paging service. ~~A Wireless Communication Facility can consist of one or more Antennas and Accessory Equipment or one base station, specialized mobile radio (SMR), commercial satellite services, microwave services, radio and television services, paging service, and any commercial Wireless Services not licensed by the FCC.~~

V. **Wireless Services:** Means "personal wireless services" and "personal wireless service facilities" as defined in 47 U.S.C. § 332(c)(7)(C), including commercial mobile services as defined in 47 U.S.C. § 332(d), provided to personal mobile communication devices through Wireless Facilities or any fixed or mobile Wireless Services provided using Wireless Facilities.

19.33.020 19.33.020 Application and Decision Timeframes; Special Use Permit Requirement. Requirements; Administrative Approvals; Conditional Use Permits.

A. **Special Use Permit Required.** Unless otherwise excepted herein, ~~wireless communication facilities, towers and antennae~~ the following shall be allowed only upon approval of a Special Use Permit in accordance with the procedures ~~set out~~ set out in Chapter 19.28, Special Use Permit-:

1. New Construction—Small Cell Facilities. New Wireless Facilities, Towers, Base Stations, Wireless Support Structures, Utility Poles, and/or Antennae for Small Cell Facilities, and whether in the Public Right-of-Way or otherwise. A written final decision for such applications shall be issued within ninety (90) days.

2. New Construction—Non-Small Cell Facilities. New Wireless Facilities, Towers, Base Stations, Wireless Support Structures, Utility Poles, and Antennae for non-Small Cell Facilities, and whether in the Public Right-of-Way or otherwise. A written final decision for such applications shall be issued within one hundred fifty (150) days.
3. Substantial Changes. A Substantial Change to an Existing Tower, Base Station, Wireless Support Structure, Utility Pole, or Antenna. A written final decision for such applications shall be issued within ninety (90) days.
4. Other. Any other application for placement, installation, or construction of Transmission Equipment that is not contemplated by subsections 1 through 3 above, does not constitute an Eligible Facilities Request, or which is not eligible for administrative approval as provided in Section 19.33.020.B below. A written final decision for such applications shall be issued within one hundred fifty (150) days.

Notwithstanding the foregoing, to the extent any of the foregoing utilize Accessory Equipment or other facilities or other equipment for which a Conditional Use Permit may be required (such as for larger utility boxes or pedestals), then the City may only approve Special Use Permits subject to the applicant receiving any and all required Conditional Use Permits. A written final decision for such Conditional Use Permit applications shall be issued within the time periods set forth above.

B. Administrative Approvals. Notwithstanding subsection A. above, the Public Works Director may approve applications for the following, provided that such applications meet all applicable performance standards, including but not limited to the provisions and requirements of the Public Right-of-Way Ordinance:

1. Collocation on Existing Wireless Facilities—Small Cell Facilities. New Antenna or Collocation of Small Cell Facilities on an Existing Tower, Utility Pole, or street light in the Public Right-of-Way, that does not incur a Substantial Change. This provision is also applicable when the Existing Tower, Utility Pole, or street light is replaced by a Tower, Utility Pole, or street light that is not a Substantial Change from the original. A written final decision for such applications shall be issued within sixty (60) days.
2. Collocation on Existing Wireless Facilities—Non-Small Cell Facilities. New Antenna or Collocation of non-Small Cell Facilities on an Existing Tower, Utility Pole, or street light in the Public Right-of-Way, that does not incur a Substantial Change. This provision is also applicable when the Existing Tower, Utility Pole, or street light is replaced by a Tower, Utility Pole, or street light that is not a Substantial Change from the original. A written final decision for such applications shall be issued within ninety (90) days.
3. Other Modifications and Eligible Facilities Requests. The Modification of an existing Tower, Wireless Support Structure, Utility Pole, or Base Station that does not incur a Substantial Change to the Tower, Wireless Support Structure, Utility Pole, or Base Station, or that otherwise qualifies as an Eligible Facilities Request. A written final decision for such applications shall be issued within sixty (60) days.

Notwithstanding the foregoing, to the extent any of the foregoing utilize Accessory Equipment or other facilities or other equipment for which a Conditional Use Permit may be required (such as for larger utility boxes or pedestals), then the Public Works Director may only approve applications subject to the applicant receiving any and all required Conditional Use Permits. A written final

decision for such Conditional Use Permit applications shall be issued within the time periods set forth above.

C. Conditional Use Permit Requirement. A Conditional Use Permit, reviewed and approved in accordance with the procedures set out in Chapter 19.30 Conditional Use Permits, is required for applications for Wireless Facilities to the extent they utilize or are supported by utility boxes or Accessory Equipment that have a footprint larger than twelve (12) square feet in area, a pad greater than two and one-half (2.5) times the area of the utility box footprint or greater than thirty-two (32) square feet; or have a height of more than fifty-six (56) inches, as provided in Chapter 19.30.

D. Application and Decision Timeframes. The timeframes set forth above begin to run when a completed application is filed. The applicable timeframe may be tolled by mutual agreement or in cases where the City determines that the application is incomplete. To toll the timeframe for incompleteness, the City may provide written notice to the applicant within thirty (30) days of receipt of the application, clearly and specifically delineating all missing documents and information. The timeframe begins running again when the applicant makes a supplemental submission responding to the City's notice. The City then has ten (10) days to notify the applicant that the supplemental submission did not provide the information identified in the original notice. The timeframe is tolled in the case of second or subsequent notices pursuant to this subsection. Second or subsequent notices may not specify missing documents or information that were not delineated in the original notice of incompleteness.

E. Deemed Approvals and Appeals. Within thirty (30) days after the City provides notice of its decision, a party aggrieved by the final action of the City may bring an action for review in any court of competent jurisdiction. If a final decision is not otherwise issued within the timeframes set forth in Section 19.33.020.D above, then an application shall be deemed approved once an applicant has provided notice to the City that such applicable timeframes have lapsed. Provided, that this section shall not apply to any person who is availing themselves of the appeal provisions set forth in K.S.A. 66-2019(h)(6), as amended, or in Federal Communications Commission (FCC) Declaratory Ruling dated September 27, 2018, in WT Docket Nos. 17-79 and 17-84 (FCC 18-133, 33 FCC Rcd 9088), to the extent such FCC Declaratory Ruling applies and/or is in effect.

F. Small Cell and DAS Facilities—Consolidated Application and Exemption.

1. Pursuant to Kansas Statute, an applicant may file one consolidated application for a Small Cell Network up to twenty-five (25) individual Small Cell Facilities of a substantially similar design. Notwithstanding, the City may require a separate application for any Small Cell Facilities that are not of a substantially similar design.
2. Notwithstanding anything in this Code to the contrary, no zoning, special use permit, or siting approval is required for the construction, installation or operation of any Small Cell or DAS Facilities located in an interior structure or upon the Site of any campus, stadium or athletic facility; provided, however, this exemption does not exempt any such facility from any applicable building or electrical code provision.

19.33.025 Factors ~~For~~ Consideration, Where Special Use Permit is Required.

Where a Special Use Permit is required, then the following factors shall be considered in approving or disapproving a Special Use Permit for a Wireless Facility. It is not necessary that a finding of fact be made for each factor described herein. However, there should be a conclusion that the request should be approved or denied based upon consideration of as many factors as are applicable. The ~~factors to be considered in approving or disapproving a Special Use Permit for a wireless facility shall include, but not be limited to the following:~~ following factors are not exclusive.

- A. The character of the neighborhood.
- B. The zoning and uses of property nearby.
- C. The extent that a change will detrimentally affect neighboring property.
- D. The relative gain to public health, safety, and welfare by destruction of value of the applicant's property as compared to the hardship on other individual landowners.
- E. The proposed special use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitations.
- F. The proposed special use at the specified location will not adversely affect the welfare or convenience of the public.
- G. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the ~~site~~ Site or Wireless Facility with respect to streets giving access to it are such that the special use will not cause substantial injury to the value of the property in the immediate neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will cause substantial injury to the value of property in the immediate neighborhood consideration shall be given to:
 1. The location, size, nature and height of buildings, structures, walls, and fences on the ~~site~~ Site; and
 2. The nature and extent of landscaping and screening on the ~~site~~ Site.
- H. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations and such areas will be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect.
- I. Adequate utility, drainage, and other such necessary facilities have been or will be provided.
- J. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.
- K. Adjoining properties and the general public shall be adequately protected ~~from~~ from any hazardous or toxic materials, hazardous manufacturing processes, obnoxious odors or unnecessarily intrusive noises.
- L. Architectural design and building materials are compatible with such design and materials used in the neighborhood in which the proposed facility is to be built or located, and the design and aesthetic standards adopted by the City.
- M. City Staff recommendations.

19.33.030 Application Information.

At the time the application for a Wireless Facility is filed, the applicant shall submit the following information:

- ~~A. A study comparing potential sites within an approximate one mile radius of the proposed application area. The study shall include the location and capacity of existing towers, alternative tower sites, a discussion of the ability or inability of each site to host the proposed communications~~

~~facility and reasons why certain of these sites were excluded from consideration. The study must show what other sites are available and why the proposed location was selected over the others. It must also establish the need for the proposed facility and include a map showing the service area of the proposed facility as well as other alternative tower sites and antennas.~~

A. An affidavit that the applicant conducted an analysis of available collocation opportunities on existing Wireless Facilities, within a search ring as defined by the applicant.

~~If the use of existing towers, alternative tower structures, sites are unavailable, a reason or reasons specifying why they are unavailable needs to be set out and may include one or more of the following: refusal by current tower or site owner; topographical limitations; adjacent impediments blocking transmission; site limitations to tower or facility construction; technical limitations of the system; equipment exceeds structural capacity of facility or tower; no space on existing facility or tower; other limiting factors rendering existing facilities or towers unusable. The documentation submitted must use technological and written evidence, that these sites are inadequate to fulfill the grid needs of the wireless service provider, or that a reasonable co-location lease agreement could not be reached with the owners of said alternative sites.~~

~~The applicant shall submit an overall plan that shows the coverage gaps in service or lack of network capacity throughout the entire City and provide an indication of future needed/proposed wireless communication facilities, towers, and/or antenna.~~

~~The applicant shall demonstrate how the proposed communication facility, will impact its overall network within the City of Prairie Village and adjacent cities on both sides of the state line.~~

~~The study shall also provide documentation establishing the minimum height necessary to provide the applicant's services and the height required to provide for co-location. The study shall include coverage maps for the proposed monopole at the requested height and at ten feet descending intervals to 50 feet.~~

~~The Planning Commission or Governing Body at its discretion may require a third party analysis, at the applicant's expense, to confirm the need for the facility.~~

~~The applicant shall be responsible to provide timely updates of the above described study and information during the Special Use Permit process.~~

B. Multiple photo simulations of the proposed ~~facility~~ Wireless Facility as viewed from the adjacent residential properties and public rights of way as directed by City Staff.

~~C. When possible, all wireless communication towers and alternative tower structures must be designed to accommodate multiple providers (co-location), unless after consideration of the recommendation of the Planning Commission, the City Council finds that the height or other factors required to make such an accommodation will have a more detrimental effect on the community than having multiple sites. Failure of a permit holder to negotiate in good faith to provide fairly priced co-location opportunities, based on industry standards may be grounds for denial or revocation of the Special Use Permit. A signed statement shall be submitted indicating the applicant's intention to share space on the tower with other providers.~~

C. When possible, all Wireless Facilities should be designed to accommodate multiple providers (Collocation).

- D. Any application for construction of a new ~~wireless communication facility, tower, antenna or equipment compound~~ Wireless Facility must provide a detailed site plan of the proposed project. This properly scaled site plan will include one page (including ground contours) that portrays the layout of the ~~site~~ Site or Public Right-of-Way, including the proposed ~~facility~~ Wireless Facility, ~~the fall radius of any proposed monopole, as well as proposed and existing structures within 200 feet of the tower base~~ and the identification of the specific trees, structures, improvements, facilities and obstructions, if any, that the applicant proposes to temporarily or permanently remove or relocate. Access to and from the ~~site~~ Site or Wireless Facility, as well as dimensioned proposed and existing drives, must be included on this plan. Detailed exterior elevations (from all views) of the ~~tower~~ Wireless Facility, screening ~~wall~~ walls, and all proposed buildings must also be submitted. Finally, a landscape plan detailing location, size, number and species of plant materials must be included for review and approval by the ~~Planning Commission~~ applicable reviewing authority.
- E. Description of the transmission medium that will be used by the applicant to offer or to provide services and a statement that applicant will meet all federal, state and city regulations and law, including but not limited to FCC regulations. The applicant shall provide an engineer's statement that anticipated levels of electromagnetic radiation to be generated by facilities on the ~~site~~ Site, including the effective radiated power (ERP) of the antenna, shall be within the guidelines established by the FCC. The cumulative effect of all antennae and related facilities ~~on a site will also must~~ comply with the radio frequency radiation emission guidelines established by the FCC. An antenna radiation pattern shall be included for each antenna.
- F. Preliminary construction schedule including completion dates; provided, that construction of the approved Wireless Facilities shall commence within one (1) year after final approval and shall be diligently pursued to completion.
- G. The applicant shall provide a copy of its FCC license.
- H. All applications necessary for the consideration and issuance of a Right-of-Way Permit under the Public Right-of-Way Ordinance, if applicable.
- ~~H. Copies of letters sent to other wireless communication providers and their response regarding their interest to co-locate.~~
- I. Any other relevant information requested by City Staff.
- J. The applicant shall submit a completed application form with all required attachments and must agree to and reimburse the City for all costs related to the application. The City may collect a non-refundable application fee, subject to any statutory maximum. An application shall not be deemed submitted until the applicable fee is paid.
- K. Notwithstanding the foregoing, as provided in 47 C.F.R. § 1.40001(c), when an applicant asserts in writing that a request for a Modification qualifies as an Eligible Facilities Request, the City may require the applicant to provide documentation or information only to the extent reasonably related to determining whether the request meets the requirements of 47 C.F.R. § 1.40001.
- ~~J. Application and fee. The applicant shall submit a completed application form with all required attachments and must agree to and reimburse the City for all costs related to the application.~~

19.33.035 Design Requirements and Aesthetic Requirements—Small Cell Facilities and Non-Small Cell Facilities.

A. Setbacks.

1. The equipment compound for Wireless Facilities and Accessory Equipment shall meet the minimum required setbacks for a principal use in the district in which it is located.
2. Stealth ~~towers and alternative tower structures~~ Towers and Alternative Tower Structures that are truly architecturally integrated into the building or Base Station shall maintain the same setbacks that are required for a principal building or Base Station.
3. Non-stealth monopoles ~~or towers~~, Wireless Support Structures, or Towers shall setback a minimum distance from all property lines equal to the height of the ~~tower-monopole or Tower~~ unless a reduction or waiver is granted by the ~~City Council~~ Governing Body.
4. The applicant may request a reduction or waiver of the setback requirement. The Planning Commission shall consider the request and make a recommendation to the ~~City Council~~ Governing Body who will make the final determination. In approving a setback reduction or waiver, the Planning Commission and ~~Council~~ Governing Body shall consider the following:
 - a. That there are special circumstances or conditions affecting the proposed ~~cell tower~~ installation;
 - b. That the setback waiver is necessary for reasonable development of the ~~cell tower~~ installation or the ~~landowners~~ landowner's property;
 - c. That the granting of the setback waiver will not be detrimental to the public health, safety, and welfare or cause substantial injury to the value of the adjacent property or other property in the vicinity in which the particular property is situated.

B. Screening and Landscape Buffer.

1. Adequate screening of the equipment cabinets ~~located at the tower base for Wireless Facilities and Accessory Equipment~~ shall be provided by a solid or semi-solid wall or fence or a permanent building enclosure using materials similar to adjacent structures on the property. All equipment cabinets shall be adequately secured to prevent access by other than authorized personnel.
2. Landscaping shall be required around the base or perimeter of the screening wall or fence. A combination of coniferous and deciduous trees and shrubs is required and drought tolerant plant materials are encouraged. When the visual impact of the equipment compound would be minimal, the landscaping requirement may be reduced or waived by the Planning Commission or ~~City Council~~ Governing Body.

C. Tower/Antennae Design.

1. All non-stealth ~~towers~~ Towers and Wireless Support Structures shall maintain a hot dipped galvanized finish, and shall be a monopole design unless otherwise approved by the Planning Commission or ~~City Council~~ Governing Body. The City Public Works Director may require that providers of Wireless Services design their poles utilizing pole designs pre-approved by the City Public Works Director.
2. All ~~antennae~~ Antennae installed on ~~towers~~ Towers and Wireless Support Structures shall be internal. Antenna bridges and platforms are not allowed. Public service omnidirectional ~~antennae~~ Antennae operated by the City of Prairie Village and other governmental agencies are exempt from this requirement.
3. All ~~antennae~~ Antennae and related facilities installed on an ~~alternative tower structure~~ Alternative Tower Structure shall be of materials that are consistent with the surrounding elements so as to blend architecturally with said structure and to camouflage their appearance. Antennae on the rooftop or above a structure shall be screened, constructed and/or colored to match the structure to which they are attached.

4. Antennae and related facilities shall be of materials and color that are consistent with the ~~tower or alternative tower structure~~ Tower or Alternative Tower Structure and surrounding elements so as to blend architecturally with said ~~tower or structure~~. ~~The antennae~~ Tower or Alternative Tower Structure. ~~The antennae~~ and related facilities shall be a neutral color that is identical to, or closely compatible with, the color of the ~~tower or alternative tower structure~~ Tower or Alternative Tower Structure so as to make the ~~antennae~~ Antennae and related facilities as visually unobtrusive as possible. Antennae mounted on the side of a building ~~or structure~~, or Base Station shall be painted to match the color of the building ~~or structure~~, or Base Station of the background against which they are most commonly seen.
5. All electrical cables shall be installed within the ~~monopole~~ Wireless Support Structure. For installations on buildings, water towers, Base Stations, and other structures, cables shall be enclosed with a shield that is painted the same color as the building, water tower, Base Station, or structure. Underground cables that are a part of the installation shall be required to be located at a safe depth underground.

~~D.~~ Illumination

- D. ~~Communication towers~~ Illumination. Wireless Facilities and Towers may be only illuminated if required by the FCC and/or the FAA. Security lighting around the base of the ~~tower~~ Tower may be installed, provided that no light is directed toward an adjacent residential property or public street.

~~E.~~ Height

~~The maximum height for a wireless communication tower shall be 150 feet plus a lightning rod not exceeding ten feet (10').~~

~~F.~~ Sealed Drawings

- E. Height. The maximum height for a Wireless Facility, Tower, Wireless Support Structure, or Utility Pole shall be one hundred fifty feet (150') feet plus a lightning rod not exceeding ten feet (10'). Provided, that as to Wireless Facilities to be located in the Public Right-of-Way, the height of a Wireless Facility will not exceed, or cause any existing Wireless Facility to exceed, the lesser of:
- (1) thirty-five (35) feet for residential or collector streets or forty-five (45) feet for arterial streets; and
 - (2) sixty-six (66) inches above the height of existing street light poles along the right-of-way surrounding the Wireless Facility.

- E. Sealed Drawings. The construction plans for the tower shall be prepared and sealed by a structural engineer licensed in the State of Kansas. Construction observation shall be provided by the design engineer provided that said engineer is not an employee of the tower's owner. If the design engineer is an employee of the owner, an independent engineer will be required to perform construction observation.

- G. Anti-Perch Devices. Anti-perch devices that prevent birds from perching or roosting on the installation shall be installed when appropriate.

- H. Additional Small Cell Facility Requirements. See Section 19.33.060 below.

- I. Wireless Facilities in the Public Right-of-Way. In addition to the foregoing, Wireless Facilities located or to be located within the Public Right-of-Way shall also be subject to the provisions and requirements of the Public Right-of-Way Ordinance, including but not limited to the following, which provisions and requirements are applicable to all users of the Public Right-of-Way:

1. All newly-constructed Accessory Equipment shall be located underground. The ROW-user shall comply with all requirements of the City relating to underground facilities. This requirement may be waived by the Public Works Director at his or her discretion for safety concerns, if approval is required or permitted under other applicable law or ordinance (including but not limited to this Chapter 19.33), or some other good cause under the condition that does not cause discrimination among providers.
2. If the requirement for below-ground facilities is waived, the facilities shall be located as directed by the Public Works Director, including, but not limited to, requirements regarding location, height, breakaway design, and clear zones, and in conformity with those design requirements set forth in the Public Right-of-Way Ordinance. Permitted above-ground facilities shall also comply with the Manual of Infrastructure Standards and all applicable zoning regulations, including but not limited to design, size, height, setbacks, screening and landscaping, and illumination, and be located in a manner that does not compromise the public health, safety, or welfare.
3. No newly-constructed above-ground facilities shall be located directly in front of any single-family home (or in front of where a single-family home could be constructed, in the case of a vacant lot), provided that if the Public Works Director deems it necessary or appropriate, such facilities may be located in the front yard, at or along the property line between two adjacent properties.
4. The electrical meter and any other necessary meter or other accessory cabinet shall not be installed on the Tower, Wireless Support Structure, or Utility Pole.

In the event of duplications or conflicts between the provisions of such Public Right-of-Way Ordinance, and this Chapter 19.33 as to any Wireless Facilities, the City shall have the right to impose and enforce among the various duplications or conflicts such requirements and standards as will best protect the public health, safety, and welfare, provided that the City enforce such requirements in a competitively neutral manner.

19.33.040 Conditions of Approval.

The ~~Planning Commission and City Council~~ applicable approving authority for the City may require any or all of the following conditions and may add additional conditions if deemed necessary for a specific location to protect the public health, safety, or welfare, subject to applicable federal and state law:

- A. The initial approval of ~~the a~~ Wireless Facility (whether administratively or pursuant to a Special Use Permit or Conditional Use Permit) shall be for a maximum of ~~five-ten~~ (10) years. At the end of the ~~five-ten~~ (10) year period, the permittee shall resubmit the application and shall demonstrate to the satisfaction of the ~~Planning Commission and the City Council that a good faith effort has been made to cooperate with other providers to establish co-location at the tower site, that a need still exists for the tower, and authorized approving authorities~~ that all the conditions of approval have been met. The ~~Special Use Permit approval~~ may then be extended for an additional ten (10) years by the ~~City Council~~ Public Works Director or the Governing Body, as required under this Code, and the permittee shall resubmit after each ten (10) year reapproval. The process for considering a resubmittal shall be the same as for the initial application.
- B. Any ~~tower, antenna or other facility~~ Wireless Facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned and the owner of such ~~tower, antenna or facility~~ Wireless Facility shall remove the ~~same~~ Wireless Facility and all Accessory Equipment within ~~90-ninety~~ (90) days after receiving notice from the City. If ~~the tower, antenna or facility~~ such Wireless Facility and Accessory Equipment is not removed within that ~~90-days~~ ninety (90)

~~day~~ period, the ~~governing body-City~~ may order the ~~tower, antenna or facility~~ Wireless Facility and Accessory Equipment removed and may authorize the removal of the same at the permittee's expense. Prior to the issuance of ~~the Special Use Permit~~ permit for a Wireless Facility, the applicant shall submit a bond to the City in an amount adequate to cover the cost of ~~tower~~ Wireless Facility and Accessory Equipment removal and the restoration of the ~~site~~ Site. This bond will be secured for the term of the ~~Special Use Permit~~ permit plus one additional year. In the event the bond is insufficient and the permittee otherwise fails to cover the expenses of any such removal, the ~~site~~ Site owner shall be responsible for such expense.

- C. The applicant shall have a structural inspection of the ~~tower-applicable Tower, Wireless Support Structure, Alternative Support Structure, or Utility Pole~~ performed by a licensed professional engineer licensed in the State of Kansas prior to every ten (10) year renewal and submit it as a part of the renewal application.
- D. Any ~~wireless communication facility~~ Wireless Facility, tower or antenna-Tower, Wireless Support Structure, Utility Pole, or Antenna which is not structurally maintained to a suitable degree of safety and appearance (as determined by the City and any applicable law, statute, ordinance, regulation or standard) and which is found not to be in compliance with the terms of the ~~Special Use Permit~~ permit(s) will become null and void within ~~90-ninety (90)~~ 90 days of notification of noncompliance unless the noncompliance is corrected. If the ~~Special Use Permit~~ permit becomes null and void, the applicant will remove the ~~facility-tower antenna~~ Wireless Facility and all appurtenances and Accessory Equipment and restore the ~~site~~ Site to its original condition.
- E. The permittee shall keep the ~~property-well~~ Site well-maintained including maintenance and replacement of landscape materials; free of leaves, trash and other debris; and either regularly cleaning up bird droppings or installing anti-perch devices that prevent birds from perching on the installation.
- F. In the future should the levels of radio frequency radiation emitted be determined to be a threat to human health or safety, the ~~wireless communication facility~~ Wireless Facility, tower or antenna Tower, Wireless Support Structure, Utility Pole, or Antenna shall be rectified or removed as provided for herein. This finding must be either mandated by any applicable law, by federal legislative action, or based upon regulatory guidelines established by the FCC.
- G. In order to ensure structural integrity, all ~~wireless communication facilities~~ Wireless Facilities, towers and antennae-Towers, Wireless Support Structures, Utility Poles, and Antennae shall be constructed and maintained in compliance with all applicable local building codes and the applicable standards for such ~~facilities~~ Wireless Facilities, towers and antennae-Towers, Wireless Support Structures, Utility Poles, and Antennae that are published by the Electronic Industries Alliance.
- H. All ~~wireless communication facilities~~ Wireless Facilities, towers and antennae-Towers, Wireless Support Structures, Utility Poles, and Antennae shall meet or exceed all minimum structural and operational standards and regulations as established by the FCC, FAA, EPA and other applicable federal regulatory agencies. If such standards and regulations are changed, then all facilities, towers, and antennae shall be brought into compliance within six (6) months of the effective date of the new standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency.
- I. It shall be the responsibility of any permit holder to promptly resolve any electromagnetic interference problems in accordance with any applicable law or FCC regulation.

- J. ~~A. The applicant shall provide a copy of the lease or license between the applicant and the landowner containing the following provisions, which lease or license must contain a provision whereby the landowner shall be responsible for the removal of the Wireless Facility in the event that the leaseholder or licensee fails to remove it upon abandonment.~~
- ~~1. The landowner and the applicant shall have the ability to enter into leases with other carriers for co-location.~~
 - ~~2. The landowner shall be responsible for the removal of the communications tower facility in the event that the leaseholder fails to remove it upon abandonment.~~
- K. Information to establish the applicant has obtained all other government approvals and permits to construct and operate communications facilities, including but not limited to approvals by the FCC and the Kansas Corporation Commission.
- L. ~~If any Wireless Facilities or Accessory Equipment are to be located within, upon, or over the Public Right-of-Way, then prior to the approval of a permit, the applicant shall enter into an agreement (including in the form of a Small Cell Facility Deployment Agreement, if required by the City) whereby it agrees to abide by the requirements of the City's Public Right-of-Way Ordinance and to protect the City from any liability associated with the proposed installation. Such protection shall include requirements regarding bond, insurance, and indemnification. The agreement shall be in a form approved by the City's legal counsel, and the permittee shall pay such fees as may be set forth in the agreement.~~
- M. ~~If any Wireless Facilities or Accessory Equipment are to be located upon or connected to any City-owned Utility Poles or other facilities, then prior to the approval of a permit the applicant shall enter into a license or pole attachment agreement with the City. The agreement shall be in a form approved by the City's legal counsel, and the permittee shall pay such license, attachment, and connection fees as may be set forth in the agreement.~~

19.33.045 Site Plan Approval.

All installations ~~for which a Special Use Permit or Conditional Use Permit is required~~ shall have a site plan approval in accordance with Chapter 19.32, Site Plan Approval.

19.33.050 Exceptions.

~~Any wireless communications facility, tower and antennae that are a stealth design shall be exempt from the Special Use Permit requirements and shall be approved in accordance with Chapter 19.32, Site Plan Approval.~~

The initial approval of the ~~Site Plan site plan (whether administratively or pursuant to a Special Use Permit or Conditional Use Permit)~~ shall be for a maximum of ~~five-ten (10)~~ years. At the end of the ~~five-ten (10)~~ year period, the applicant shall resubmit the application ~~to the Planning Commission~~ and shall demonstrate to the satisfaction of the ~~Planning Commission~~ that a good faith effort has been made to cooperate with ~~other providers to establish co-location at the tower site, that a need still exists for the tower, and authorized approving authorities~~ that all the conditions of approval have been met. The application may then be extended for an additional ten ~~years~~(10) years. ~~The approval may then be extended for an additional ten (10) years by the Public Works Director or the Governing Body, as required under this Code, and the permittee shall resubmit after each ten (10) year reapproval. The process for considering a resubmittal shall be the same as for the initial application.~~

19.33.055 Existing Site Improvements.

~~Alterations or improvements to existing wireless communication sites~~ In addition to any Eligible Facilities Request, Modifications to Existing Wireless Facilities shall be allowed when these alterations or improvements are implemented to:

- A. Accommodate additional ~~wireless service~~ Wireless Services providers, provided that the ~~alterations or improvements~~ Modifications meet all applicable requirements of this Chapter. ~~Unless If the Modification is to a Wireless Facility or Site for which a Special Use Permit was approved, then unless~~ otherwise provided for by the current Special Use Permit, application for such ~~alteration or improvement to an existing site~~ Modifications will require approval through an amended Special Use Permit. However, if provided by the current Special Use Permit, such application shall be considered a revised final site plan and will only require submission to and approval of the Planning Commission.
- B. Any such ~~alteration or improvement~~ Modification shall meet any and all current applicable design and technical standards and requirements. The cumulative effect of any additional ~~antennae~~ Antennae and related facilities must comply with the radio frequency radiation emission guidelines established by the FCC.
- C. Additional Antennae. When provided for in the approved capacity limit of a multi-user ~~tower's~~ Tower's current Special Use Permit, additional ~~antennae~~ Antennae or replacement of current ~~antenna~~ Antennae may be added through an application for a revised site plan and will only require submission to and approval by the Planning Commission. Any additional ~~antennae~~ Antennae that exceed the originally approved capacity limit shall be considered a revised application, and shall require an amended Special Use Permit to locate. Any additional ~~antennae~~ Antennae or replacement of current ~~antennae~~ Antennae shall meet any and all current applicable design and technical standards and requirements. The cumulative effect of any additional ~~antennae~~ Antennae and related facilities must comply with the radio frequency radiation emission guidelines established by the FCC.
- D. In the event that new technology provides a better alternative to the design requirements herein, the Planning Commission may reasonably approve or require design modification of a ~~wireless communication facility~~ Wireless Facility, ~~tower or antenna~~ Tower or Antenna when the appearance of the same is deemed to be less obtrusive than the requirements permitted herein.
- E. Any proposal by a permit holder to replace a current ~~antenna~~ Antenna or to alter and improve an existing ~~facility~~ Wireless Facility, ~~tower or antenna~~ Tower, Wireless Support Structure, or Antenna in a manner to make the same less obtrusive such as lessening the tower height, converting the structure to an ~~alternative tower structure~~ Alternative Tower Structure, or modifying the ~~antenna~~ Antenna to a "slim line" or internal design shall be considered as an amended site plan and will only require submission to and approval by the Planning Commission.
- F. Any such ~~alteration or improvement~~ Modification shall meet any and all current applicable design and technical standards and requirements, and the cumulative effect of any additional ~~antennae~~ Antennae and related facilities must comply with the radio frequency emission guidelines established by the FCC.

19.33.060 Small ~~Wireless Communications Antennae~~ Cell Facilities.

The location, design and appearance of ~~small wireless communications antennae~~ Small Cell Facility installations shall further be subject to ~~Staff review and approval as follows~~ the following:

~~A. Small wireless communication antennae shall mean those whip antennae 6' 0" or less in height and panel antennae with a maximum front surface area of 2.0 square feet and not more than 15" in width, 36" in height, and 4" in depth that can be mounted on an existing utility or street light pole.~~

A. City Permit. Prior to installation, the provider shall obtain a permit from the City. If the proposed installation is located in ~~right-of-way~~ the Public Right-of-Way, the permit shall be issued in accordance with the City's requirements for a ~~R-O-W permit~~ Right-of-Way Permit, as set forth in the Public Right-of-Way Ordinance. Otherwise it shall be issued by the Building Official.

B. Staff Review. The size, location, and appearance of the ~~small wireless antennae~~ Small Cell Facilities will be subject to Staff review and approval, and subject to any Special Use Permit or Conditional Use Permit requirements as set forth in this Chapter. In its discretion, if Staff does not feel the proposed installation meets the intent of this regulation, this Chapter 19.33, or the Public Right-of-Way Ordinance, it may refer approval of the permit to the Planning Commission.

~~D. Prior to the review and approval of a permit, the applicant shall enter into an agreement whereby it agrees to abide by the requirements of the City's Right of Way Ordinance (as applicable) and to protect the City from any liability associated with the proposed installation. Such protection shall include requirements regarding bond, insurance, and indemnification. The agreement shall be applicable to the applicant's subsequent small wireless communication antenna permits and shall be in a form approved by the City's legal counsel.~~

~~E. Utility racks will not be permitted and all equipment will be contained within an enclosed utility box. Utility boxes shall be located and installed in accordance with the requirements of the Zoning Regulations as set out in Sections 19.34.020.K and 19.30.055.G.~~

C. Traffic and Decorative Poles. Small Cell Facilities shall not be permitted on existing or proposed traffic signal poles or existing or proposed streetlight poles that have existing or proposed traffic signal equipment mounted to them. Small Cell Facilities shall not be allowed to collocate on decorative streetlight poles or poles that have decorative luminaries.

D. Aesthetic Standards. In addition to those requirements set forth in Section 19.33.035 above, the following provisions apply:

1. Antennae for Small Cell Facilities shall either be mounted internal to the Wireless Support Structure or Utility Pole, or top-mounted and concealed within a radome that also conceals the cable connections, antenna mount, and other hardware. The cables or wires other connecting the Antennae to the equipment box shall be contained inside the Utility Pole or Wireless Support Structure or shall be flush mounted to the same and covered with a metal, plastic, or similar material cap that matches the color of the Utility Pole or Wireless Support Structure and is properly secured and maintained by the provider.

2. Antennae and related facilities (including any radome) shall be of materials and color that are consistent with the Tower, Alternative Tower Structure, Wireless Support Structure, Utility Pole, and surrounding elements so as to blend architecturally with said Tower, Alternative Tower Structure, Wireless Support Structure, or Utility Pole. The Antennae and related facilities shall be a neutral color that is identical to, or closely compatible with, the color of the Tower, Alternative Tower Structure, Wireless Support Structure, Utility Pole so as to make the Antennae and related facilities as visually unobtrusive as possible. Antennae mounted on the side of a building, structure, or Base Station shall be painted to match the color of the building, structure, or Base Station of the background against which they are most commonly seen.

3. ~~F.Small antennae~~ Small Cell Facilities will be allowed to be mounted on existing ~~utility and street light poles~~ Utility Poles but the installation of taller ~~utility poles~~ Utility Poles or new overhead wiring to accommodate the ~~antennae~~ Small Wireless Communications Antennae and Small Cell Facilities will not be permitted unless approved as a Special Use Permit, as provided in Section 19.33.020 above.
- E. ~~G.Not more than three antennae~~ Collocation. Not more than three Antennae panels and one provider may be located on a ~~utility or street light pole~~. ~~The coaxial cable connecting the antennae to the equipment box shall be contained inside the pole~~ Utility Pole or monopole.
- F. Strand-Mounted Installations. Aerial fiber and power strand installations are allowed. However, coiling of excess fiber or other cables is not allowed. All lines shall be neatly trained and secured.
1. Any strand-mounted facility shall not be larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height, and any exterior antenna shall be no longer than 11 inches, that are strung on cables between existing Utility Poles, in compliance with the National Electrical Safety Code, and shall be subject to the structural limitations of the City or utility company, as applicable.
2. The equipment shroud must be non-reflective and painted or color-impregnated to match the color of the existing pole, or surrounding infrastructure, as close as possible.
- G. ~~H.Utility Racks or shall be flush mounted to the pole and covered with a metal, plastic, or similar material cap that matches the color of the pole and is properly secured and maintained by the provider.~~ Utility racks will not be permitted and all Accessory Equipment will be contained within an enclosed utility box. Utility boxes shall be located and installed in accordance with the requirements of Chapter 19.30 and Chapter 19.34 of the Zoning Regulations, and in accordance with the requirements of the Public Right-of-Way Ordinance (if applicable). The electrical meter and any other necessary meter or other accessory cabinet shall not be installed on the Tower, Wireless Support Structure, or Utility Pole.
- H. Other Information. The applicant shall provide proof that it is a licensed provider and will comply with all federal, state and ~~city~~ City regulations and laws relative to ~~wireless services~~ Wireless Services. The applicant shall provide any relevant information requested by City Staff, to the extent permitted of the City by applicable law.
- ~~J.The applicant shall provide any relevant information requested by City Staff.~~
- ~~K. Any applicant may appeal a Staff decision to the Planning Commission.~~
- ~~L. Any antenna that is not operated for a continuous period of six months shall be considered abandoned and the owner of such antenna shall remove the same within 90 days after receiving notice from the City. If the antenna is not removed within that 90 day period, the Governing Body may order the antenna removed and may authorize the removal of such antenna at the owner's expense.~~

CHAPTER 19.34 - ACCESSORY USES

Sections:

- 19.34.005 Accessory Uses-Generally.
- 19.34.010 Home Occupations as Accessory Uses; When Permitted in Districts R-1, R-2, ~~R-3~~, RP-1 and RP-2, RP-3 and RP-4.
- 19.34.015 Family Day Care Home as Accessory use; When Permitted in Districts R-1, R-2, RP-1 and RP-2.
- 19.34.020 Other Accessory Uses.
- 19.34.025 Accessory Uses-District R-3 and R-4.
- 19.34.030 Accessory Uses - Districts C-O, C-1 and C-3.
- 19.34.035 Accessory Uses - District C-2 and C-3.
- 19.34.040 Accessory Uses - Miscellaneous Provisions.
- 19.34.045 One Accessory Living Quarters
- 19.34.050 Outdoor Lighting

19.34.005 Accessory Uses – General

- A. Buildings and structures may be erected and land may be used for purposes which are clearly incidental to, and customarily and commonly associated with the main permitted use of the premises. Such accessory buildings and uses shall be so constructed, maintained and conducted as to not produce noise, vibration, concussion, dust, dirt, fly ash, odor, noxious gases, heat or glare which is injurious, damaging, unhealthful or disturbing to adjacent property or the users thereof or generate vehicular traffic which exceeds the normal traffic in the neighborhood and shall be on the premises of the principal building or use.
- B. The following uses set forth in Sections 19.34.020 – 19.34.060 shall be permitted as accessory to main uses permitted in this title.

19.34.010 Home Occupations as Accessory Uses; When Permitted in Districts R-1a, R-1b, R-2, R-3, RP-1, & RP-2, RP-3 and RP-4.

- A. Purpose and Intent. It is the purpose and intent of this section to:
 - 1. Maintain neighborhood integrity and preserve the residential character of neighborhoods by encouraging compatible land uses;
 - 2. Provide residents of the City with an option to utilize their residences as places to enhance or fulfill personal economic goals as long as the choice of home occupations does not infringe on the residential rights of neighbors;
 - 3. Establish criteria for establishing home occupations in dwelling units within residential districts;
 - 4. Assure that public and private services such as street, sewer, water or electrical systems are not burdened by home occupations to the extent that usage exceeds that which is normally associated with the residence;
- B. Standards for determining whether a home occupation will be permitted. Home occupations are permitted as an accessory use to a residence only when all of the following performance standards are met:
 - 1. Area of Use. Home occupations shall be entirely contained within the interior of a residence and shall not be located in garages or accessory structures on the site. No visible evidence of the home occupation shall be apparent from the street or surrounding area. A home occupation shall use no more than 20% of the total dwelling unit floor area, which does not include the floor area of the garage. Those home occupations which require

- occasional meetings using more than 20% of the floor space may be permitted, providing such meetings do not occur more frequently than once per month;
2. Authorized Participants in the Home Occupation. The home occupation shall be conducted by family members residing on the premises with no assistance from other individuals or groups. The home occupation shall have no other employees, independent contractors, or any other entity working on or dispatched from the premises;
 3. Exterior Alterations of Residence; Storage of Equipment; Vehicles Used in Business:
 - a. No home occupation shall require external alterations of the residence and its surrounding property or other visible evidence of the conduct of such home occupation, except for visitations, which are in compliance with the terms of 19.34.10. B. 8 and other provisions of the P.V. Municipal Code.
 - b. No storage or display of materials, goods, supplies, or equipment related to the operation of the home occupation shall be visible from the outside of the residence in which the home occupation is conducted.
 4. Advertising. The home occupation shall not involve the use of advertising signs on the premises which call attention to the fact that the home is being used for business purposes;
 5. Sales, Repairs, Leasing:
 - a. The commercial exchange of tangible goods or other items constituting a sale between the proprietor of a home occupation and a member of the general public shall not be permitted on the premises of a home occupation. Members of the general public shall not include persons in the home by prior individualized invitation. Visitations by such person must be in accordance with the limitations set out in 19.34.010. B. 8.
 - b. Visitations generated to or from a home occupation by customers with items to be, or which have been repaired, must be in accordance with the limitations set out in 19.34.010.B. 8.
 - c. Exchange of items in a lease agreement between the proprietor of a home occupation or an authorized participant shall not occur on the premises of a home occupation.
 6. Traffic and Parking. If parking, deliveries or visitations for a home occupation occur in a manner or frequency causing disturbance to the normal traffic flow for the neighborhood the occupation shall be discontinued at that location;
 7. Regulation of Nuisances. A home occupation shall not create excessive noise, dust or dirt, heat, smoke, odors, vibration and glare or bright lighting, which would be over and above that created by a single family residential dwelling. The production, dumping or storage of combustible or toxic substances shall not be permitted on the premises of the home occupation, except for the incidental storage of items such as paint, paper, and other household goods, which might, under certain circumstances, be toxic or combustible. Additionally, a home occupation shall not create interference or fluctuations of radio or television transmission;
 8. Visitations. A home occupation may attract patrons, students or any business-related individuals only between the hours of 7:00 a.m. and 9:00 p.m., weekdays. The home occupation shall generate no more than one (1) visitation at any given time, except in those instances where a home occupation consists of teaching, instructing or tutoring, in which event, no more than three (3) students shall be taught at one time and there will be no more than ten visitations (ten (10) arrivals and ten (10) departures) per day. All other home occupations shall also not generate more than ten (10) business-related visitations per day, which shall constitute ten (10) arrivals and ten (10) departures. These standards shall not be construed so as to prohibit occasional group gatherings, recitals, or demonstrations. However, such gathering shall not occur more frequently than once per month and must be held within the visitation hours specified in this chapter;

9. Compliance with Federal, State and Local Laws. Home occupations shall comply with all other local, state, and federal laws and regulations. The requirements for, and licensing of a home occupation under this section shall not be construed as an exemption from such regulations.

C. Home Occupations As Accessory Uses

All home occupations shall be licensed by the City of Prairie Village. Procedures for granting and suspension of licenses shall be governed by the administrative regulations of the City. Licensing applications may be obtained from the City Clerk. Appeals from denials or suspensions of licenses for home occupations shall be governed by Section 19.54.025 of the Zoning Ordinance.

19.34.015 Family Day Care Home as Accessory Use; When Permitted in Districts R-1, R-2, RP-1 and RP-2.

A. Family Day Care Home Requirements

1. A "Family Day Care Home" is an acceptable accessory use only if such day care home complies with the State of Kansas requirements for family day care homes (K.S.A. 65-517 and 39-1501), and the following:

- a. Not more than six (6) children less than 16 years of age may be cared for in a registered family day care home. In no event, shall these limits be construed as allowing more children to be cared for in a family day care home than state laws allow;
- b. Not more than three (3) of the children cared for in a family day care home shall be less than eighteen (18) months of age;
- c. Any children of a person providing care in a family day care home count toward the limitations of Subsection (a) and (b) if such children are cared for in the family day care home;
- d. Not more than two adults;
- e. A person shall not be considered to be maintaining a family day care home if only children who are related by blood, marriage, or legal adoption to such person are cared for.

B. Area of Use. Family day care homes must be confined to the interior of the home and to the side setback and rear yards of such homes. Homes located on corner lots shall restrict the exterior area to the rear yard and the side setback opposite the corner side of the home.

C. Authorized Participants in Family Day Care Homes. This occupation shall be conducted by family members residing on the premises with no assistance from other individuals or groups. No employees or other type assistance will be allowed in the conduct of its business, except a non-family member may serve as the substitute care provider solely for the purpose of providing a backup in the event of temporary and/or emergency absence of the child care provider in compliance with state regulations that require a substitute care provider.

D. Exterior Alterations of Residence. No exterior alterations of the residence or other visible evidence of the conduct of such occupation is allowed.

E. Advertising. No use of advertising on the premises which calls attention to the fact that the home is being used for business purposes shall be permitted.

F. Traffic and Parking. If parking, deliveries or visitations for family day care homes occur in a manner of frequency causing disturbance to the normal traffic flow for the neighborhood, the use shall be discontinued at that location.

- G. Compliance with Federal, State and Local Laws. Family day care homes shall be registered or licensed by the state and shall comply with all local, state and federal laws and regulations. The requirements for, registering and/or licensing of, family day care homes under this section shall not be construed as an exemption from such regulations. Licensing or registering by a state or federal agency of a family day care home likewise shall not cause said provider to be exempted from the restrictions of this section.
- H. All Family Day Care Homes shall be licensed by the City of Prairie Village. Procedures for granting and suspension of licenses shall be governed by the administrative regulations of the City. Licensing applications may be obtained from the City Clerk. Appeals for denials or suspensions of licenses for family day care homes shall be governed by Section 19.54.025 of the Zoning Ordinance.

19.34.020 Other Accessory Uses.

- A. For any single or two-family dwelling there shall be provided one private garage or carport with space for one or more motor passenger vehicles for each dwelling unit. If the garage or carport is detached from the main dwelling it shall be located not less than sixty (60) feet from the front lot line, nor less than three (3) feet from any side lot line, nor less than one (1) foot from any alley line, and the floor area shall not exceed 576 square feet. When the rear lot line is common to a side or rear lot line of another lot such garage or carport shall be located not less than three (3) feet from said rear lot line. In the case of a corner lot, the garage or carport shall provide a side yard on the street side of not less than twenty-five (25) feet. A garage or carport constructed as an integral part of the main building shall be subject to the regulations affecting the main building except that on a corner lot, a private garage or carport, when attached to the main building, and not exceeding the height of the main building, may extend into the required rear yard to a line not less than eighteen (18) feet from the rear lot line, and the floor area of which shall not exceed 576 square feet and shall provide a side yard on the street side of not less than twenty-five (25) feet.
- B. A temporary real estate sales office may be located on property being sold, and limited to period of sale, but not exceeding one (1) year unless granted a conditional use permit;
- C. A hobby activity may be operated as an accessory use by the occupant of the premises purely for personal enjoyment, amusement, or recreation; provided, that the articles produced or constructed are not sold either on or off the premises and that the activity complies with standards established for home occupations in Section 19.34.010 Paragraph B(7). Without limiting the foregoing, hobby activity shall not include the repair of cars or other vehicles, which are not owned by the owner/occupant of the home where the repairs are made. However, nothing contained in this subsection shall be construed or interpreted to permit any use or activity, which is prohibited by Chapter 19.36, Restricted Uses.
- D. Such additional uses as gardens, customary pets, signs as permitted by ordinance, parking areas, play equipment and other similar uses are also accessory uses.
- E. Storage building or tool shed not exceeding 10' x 12' in floor area and not more than one such building per single-family or two-family dwelling. Building permits shall be required for all storage buildings.
- F. No equipment, material or vehicle, other than operating motor passenger cars, shall be stored for more than twenty-four (24) hours in a thirty-day period in a residential district, other than as specifically allowed pursuant to Chapter 19.38.

Except that senior housing projects, assisted living projects, schools, religious institutions and other similar uses may make application to park a bus or buses on their property subject to review and approval of the number, size and location of the buses by the Building Official. The buses shall not be parked within the front yard setback but shall be parked in a location that is most appropriate and compatible with adjacent uses. The Building Official may approve, approve with conditions or deny the application. If an applicant is not satisfied with the decision of the Building Official, he may appeal said decision to the Planning Commission and the Planning Commission shall make the final decision.

- G. Tennis courts are permitted as an accessory use, provided the following procedures and standards are met:
1. All tennis courts shall require a building permit.
 2. Plans for tennis courts shall be submitted to the Building Official or his/her designated agent for review and approval prior to issuance of permits. Said review shall be based upon compliance with the following standards: the need for screening to protect the privacy of neighboring property; compatibility of any lighting; safety and prevention of damage to adjacent property by surface water runoff. The preceding standards shall be the minimum requirement, and the Building Official may deny a building permit and refer an applicant to the Planning Commission where the Planning Commission may require additional screening or other measures deemed necessary to preserve property values and personal safety.
 3. Tennis courts shall not be built in front of front building lines.
 4. Tennis courts shall be so located that the fence surrounding the courts shall be not less than thirty (30) feet from the front lot line, and not less than ten (10) feet from a rear lot line or interior side lot line. In the case of corner lots, the fence shall not be closer than the front setback line of any building on an adjacent lot or fifteen (15) feet, whichever is greater. Said fence shall be chain-link fabric, and shall not exceed ten (10) feet in height. The lighting level of any tennis court lighting measured at the property line shall not exceed five (5) foot candles, and all luminaries shall be provided with shields to control light spillage and glare.
 5. Tennis courts shall be so designed that the surface water will be carried to the public street or storm drainage system on the owner's property, or by underground pipe to the public street or storm drainage system, or if across other ownerships, copies of written consent must be provided to the Director of Public Works.
- H. Garage sales are permitted in District R1a, R1b, R2, R3, and R4. A household may conduct a sale of goods, furnishings, personal effects and clothing, from the resident's garage or property, by a sale not to exceed three consecutive days; and provided further, that not more than two such sales shall be allowed each calendar year per household.
- I. Dumpsters and trash bins shall be located so that they are not visible from adjacent streets and properties and they shall be adequately screened from view by wall or fence enclosures that are of a building material that is complimentary to the principal building on the site.
- J. Outdoor swimming pools, spas and hot tubs are permitted as accessory uses, provided the following procedures and standards are met:
1. All outdoor swimming pools, spas and hot tubs shall require a building permit.
 2. Swimming pool is any structure intended for swimming or recreational bathing that contains water over 24" deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs, portable and non-portable spas, and fixed-in-place wading pools.

3. Plans for outdoor swimming pools shall be submitted to the Building Official or his/her designated agent for review and approval prior to issuance of permits. Said review shall be based upon compliance with the following standards: the need for screening to protect the privacy of neighboring property; compatibility of any lighting; safety and prevention of damage to adjacent property by surface water runoff. The preceding standards shall be the minimum requirement, and the Building Official may deny a building permit and refer an applicant to the Planning Commission where the Planning Commission may require additional screening or other measures deemed necessary to preserve property values and personal safety.
 4. Each swimming pool shall be completely enclosed by a fence or other permanent enclosure not less than four (4) nor more than six (6) feet in height. This enclosure shall be provided with self-closing gates equipped with a self-latching device. Such enclosures shall be not less than thirty (30) feet from the front lot line, and not less than fifteen (15) feet from the side street line in the case of a corner lot, except on reverse corner lots whereupon side setbacks should be based upon the adjoining front yard setback. The enclosure may be located on the interior side lot line and the rear lot line, subject to any easements, but the edge of the swimming pool shall be not less than ten (10) feet from any such interior side or rear lot line and not less than twenty (20) feet from a residence on an adjoining lot.
 5. In lieu of the fence or permanent enclosure, spas and hot tubs may be equipped with a safety cover. Said safety cover shall be classified under WBAH and have been evaluated to the American Society for Testing and Materials (ASTM) Standard F1346, Standard Performance Specifications of Safety Covers or equivalent. Each safety cover shall bear the classification marking "UL," the word "Classified," a control number, and the product name or equivalent.
 6. Swimming pools may not be built in front of front building lines.
 7. Swimming pools shall be so designed that the surface water will be carried to the public street or storm drainage system on the owner's property, or by underground pipe to the public street or storm drainage system, or if across other ownerships, copies of written consent must be provided to the Director of Public Works. Swimming pools shall not be drained at any time which may cause icing or other hazardous street conditions.
- K. Utility boxes that have a footprint of twelve (12) square feet or less in area; a pad of not more than 2.5 times the area of the utility box footprint, but not larger than thirty-two (32) square feet; and a height of not more than fifty- six (56) inches, will be considered as an accessory to a utility line and the location, design and landscaping or screening shall be subject to staff review and approval of a permit as follows:
1. **Landscaping and Screening:** If landscaping or screening is required, a plan shall be submitted identifying the plant sizes and varieties.
 2. **Noise:** The utility box shall not emit any unnecessary intrusive noise.
 3. **Abandonment:** Any utility box not operated for a period of six months shall be considered abandoned and the box and pad shall be removed by the owners and the site returned to its original condition.
 4. **Location:** The utility will work with the city staff to determine a pad size and a location that is most appropriate and compatible with adjacent uses, including adjacent property owners' uses.
 5. **Wireless Facilities:** Utility boxes related to Wireless Facilities (as defined in Chapter 19.33) shall be as permitted, and with such conditions, as set forth in Chapter 19.33.
 5. **Appeal:** Any applicant that is not satisfied with the staff approval may appeal the staff decision to the Planning Commission; provided, this section shall not apply to any person who is availing themselves of the appeal provisions set forth in K.S.A. 66-2019(h)(6), as amended, as codified in Section 19.33.020.E of the City Zoning Regulations, or in Federal

Communications Commission (FCC) Declaratory Ruling dated September 27, 2018, in WT Docket Nos. 17-79 and 17-84 (FCC 18-133, 33 FCC Rcd 9088), to the extent such FCC Declaratory Ruling applies and/or is in effect.

19.34.025 Accessory Uses-Districts R-3 and R-4.

Accessory uses permitted in Districts R-3 and R-4 in addition to uses permitted in all residential districts shall be as follows: Parking areas; signs as permitted by ordinance; recreation areas including tenant used swimming pools and minor recreation buildings; trash collection centers; power generators; vending machines for tenant use; other similar uses.

19.34.030 Accessory Uses-Districts C-O, C-1 & C-3.

Accessory uses permitted in Districts C-O and C-1 shall be as follows: Parking areas; signs as permitted by ordinance; food service and vending machines (for tenants only in District C-O); private garages for motor vehicles, apartment for maintenance personnel; barbershops; low-level exterior lighting; radio; television or microwave antennae not exceeding sixty (60) feet in height; flagpoles; cooling towers; other similar uses.

19.34.035 Accessory Uses-Districts C-2 & C-3.

Accessory uses permitted in Districts C-2 and C-3 shall be as follows: Parking areas; signs as permitted by ordinance; flood lighting; other similar uses. Service stations may have the following additional accessory uses:

- A. Washing and other cleaning of passenger cars shall be permitted as an accessory use provided such washing and cleaning operations shall not utilize more than two stationery bays in any one station, shall be a part of the main building, and shall not be open for use during hours when the service station is closed. Conveyor or other continuous line washing is not permitted except by Special Use Permit. Such washing and cleaning operations shall use the same entrance drives as the service station and may utilize coin-operated or attendant operated equipment;
- B. Retail sale of automotive supplies that are customarily available at service stations and which do not require engine or transmission repair, body work or installation of audio equipment, but which include such items as batteries, motor oil, additives, antifreeze, light bulbs, belts, and transmission fluids;
- C. Retail sale of non-automotive items of an incidental and convenience nature, limited to food and non-alcoholic beverages for human consumption (except cereal malt beverages), film, tobacco products, cosmetics, everyday over-the-counter pharmaceuticals, ice, detergents, novelties and gifts, toys, lottery tickets, paper products, light bulbs and minor clothing items such as caps and "T" shirts;
- D. The following development and performance standards shall apply to any establishment where both gasoline and non-automotive products are sold to the public:
 1. The total floor area devoted to display and sale of products, including cashier space, but excluding storage rooms, restrooms, auto service and wash bays, shall not exceed eight hundred (800) square feet, provided further that an enclosed building existing and being utilized as a gasoline service station at the time of passage of this amendment, may utilize the entire existing floor area for retail sale of products herein permitted.
 2. Booths or other customer seating accommodating are not permitted.
 3. All merchandise and vending machines shall be kept inside the building.
 4. Food preparation is not allowed except that microwave oven may be provided for customer use.

5. All such establishments shall provide not less than two parking spaces on the premises and establishments where the retail floor area exceeds two hundred (200) square feet, shall provide additional off-street parking on the premises at the ration of one space for each two hundred (200) sq. ft. of said additional floor area used for retail sales and display, such parking to be in addition to the space utilized by the vehicle receiving gasoline at a pump.
6. Floor area shall be computed from the outside surface of exterior walls and, for purposes of parking calculation, shall exclude restrooms or storage areas not accessible to the public, auto service or washbays.

19.34.040 Accessory Uses-Miscellaneous Provisions.

- A. Any accessory use which exceeds ten (10) feet in height shall be located a distance inside the property line at least equal to one-third its height.
- B. No private walk or drive serving a District C-1 to C-3 inclusive shall pass through or be located in a District R-1 to R-4 inclusive.
- C. The ~~City Council~~ Governing Body may, upon application by the proponent, issue a short-term permit for the use of a specified parcel of land for such temporary short-term uses as charitable, civic or religious sales and activities, trade shows, street fairs, expositions, promotional ventures and entertainment, without publication or posted notice and without referral to the Planning Commission, provided the following conditions are met:
 1. The applicant shall submit in written form a complete description of the proposed use, including estimated accumulation of automobiles and persons, hours of operation, and other characteristics and effects on the neighborhood;
 2. The short-term permit shall not be operated longer than the period stipulated in the permit, and in any case no longer than thirty (30) consecutive days;
 3. Upon the cessation of the short-term permit, all materials and equipment shall be promptly removed and the property restored to its normal condition. If, after giving full consideration to the effect of the requested short-term permit on the neighborhood and the community, the Mayor or his/her designee deems the request is reasonable, the permit for the short-term use may be approved. Conditions of operation, provision for surety bond, and other reasonable safeguards may be written into the permit. Such permit may be approved in any zoning district;
 4. A fee as established in Section 16.20.030 shall be charged the applicant for each such short-term permit.
- D. Satellite dish antennas less than one meter in diameter shall be subject to the following conditions:
 1. That every effort shall be made to locate the satellite dish antenna in accordance with the conditions set out in this section; however, if the application of the conditions precludes a subscriber from receiving an acceptable quality signal, the Building Official shall assist the subscriber to find a location on the property where an acceptable quality signal can be received. The Building Official will be responsible for approving all locations that do not conform to the conditions of this section.
 2. That the applicant must have a direct or indirect ownership interest in the property.
 3. That in the case of multiple dwelling units, there shall be no more than three antennas per structure and for other uses no more than one antenna per structure.
 4. That the structural and electrical design must conform to FCC regulations and the antenna must meet all code requirements.
 5. That the applicant shall prepare and submit a plan to the Building Official who will work with the applicant to find the least obtrusive location on the property.
 6. For structure-mounted units:

- a. The dish antenna shall be mounted on the main building of the lot and, to the extent technically feasible, on the rear side of the building. To the extent that an antenna mounted on the rear side of a building does not provide clear transmission, the antenna may be located on the front or side of the building provided that it is designed in such a manner that it cannot be identified as a dish antenna. The applicant may be required to provide appropriate screening.
 - b. The dish antenna shall not exceed the height of the ridge line of the structure and shall not be visible from an adjacent street. This may require that the applicant provide appropriate screening.
 - c. The maximum dish diameter shall be less than one meter and that larger diameter dishes shall require a conditional use permit.
 - d. The mounting frame and all antennas to be painted the same color and that color shall blend with the roof or building.
 7. For ground-mounted units:
 - a. That the dish antenna shall be located in the rear yard of the lot to the extent technically feasible. To the extent that an antenna in the rear yard does not provide clear transmission, the antenna may be located in the front or side yard of the lot provided that it is designed in such a manner that it cannot be identified as a dish antenna. This may require that the applicant provide appropriate screening.
 8. That in order to assure compliance with all municipal building and safety codes and the requirements of this ordinance, a permit must be obtained from the Building Official prior to the installation of the satellite dish antenna.
- E. The Planning Commission may, upon application by the proponent, issue a short-term use permit for a period longer than thirty (30) days for the use of a specified parcel of land for such temporary short-term uses as a special event such as a trade show, street fair, exposition, promotional venture and entertainment, without publication or posted notice, provided the following conditions are met:
1. The applicant shall submit in written form a complete description of the proposed use, including drawings of proposed physical improvements, estimated accumulation of automobiles and persons, hours of operation, length of time requested, and other characteristics and effects on the neighborhood;
 2. If approved, a specific time period shall be determined and the short-term permit shall not be operated longer than the period stipulated in the permit;
 3. Upon the cessation of the short-term permit, all materials and equipment shall be promptly removed and the property restored to its normal condition. If, after giving full consideration to the effect of the requested short-term permit on the neighborhood and the community, the Planning Commission deems the request is reasonable, the permit for the short-term use may be approved. Conditions of operation, provision for surety bond, and other reasonable safeguards may be written into the permit. Such permit may be approved in any zoning district.
 4. A fee as established in Section 16.20.030 shall be charged the applicant for each such short-term permit.
- F. Permanent standby emergency generators shall be permitted as an accessory use for single-family and two-family dwellings subject to the following conditions:
- a. Said generators shall be used during emergency situations only which result in power failures; and
 - b. Said generators shall be installed in accordance with NFPA 37 Standards for the Installation and Use of Stationary Combustion Engines and Gas Turbines; and
 - c. Said generators shall be connected to a natural gas line; and

- d. Said generators shall be located within the building envelope but no further than five (5) feet from a wall of the principal structure and not in a front or side yard; and
- e. Said generators shall only be tested during daylight hours; and
- f. Said generators shall be contained in an enclosed cabinet or housing that provides sound attenuation; and
- g. The footprint of the cabinet shall not exceed twelve (12) square feet; the pad shall not exceed sixteen (16) square feet 48 inches and the height shall not exceed 48 inches; and
- h. The applicant shall obtain a permit from the City prior to installation.
- i. Proposed locations of permanent standby emergency generators that do not meet Subsection d above, but are not located in a front yard may be submitted to the Building Official or his/her designee for review and approval.
The Building Official or his/her designee shall give consideration to the following criteria in approving or disapproving a location:
 - 1. That there are special circumstances or conditions affecting the property.
 - 2. That adequate distance exists between the location and adjacent property.
 - 3. That the proposed location will be adequately screened from the street.
 - 4. That the location will not cause significant adverse impact on adjacent properties.
 - 5. That the Building Official or his/her designee may impose any conditions it deems necessary to mitigate any negative impacts of the proposed location.
 - 6. If in the opinion of the Building Official or his/her designee, the proposed generator does not meet the criteria stated above, an application may be made to the Planning Commission for site plan approval.

Permanent standby emergency generators shall be permitted as an accessory use for multi-family and nonresidential uses subject to the following conditions:

- a. Said generators shall be used during emergency situations only which result in power failures; and
- b. Said generators shall be installed in accordance with NFPA 37 Standards for the Installation and Use of Stationary Combustion Engines and Gas Turbines; and
- c. Said generators shall only be tested during daylight hours; and
- d. Said generators shall be screened by plant materials, walls, fences and earth berms or any combination thereof and said screening shall be shown on the site plan; and
- e. The applicant shall obtain site plan approval from the Planning Commission prior to obtaining a permit and installing the generators.

19.34.045 One Accessory Living Quarter.

One Accessory Living Quarter (ALQ) may be permitted in a residence subject to staff review and subject to the following conditions:

- A. The homeowner must occupy either the principle dwelling unit or the accessory living quarters.
- B. The occupants of both the principal dwelling unit and the ALQs must be related by blood, marriage or adoption but may also include usual domestic servants and caregivers.
- C. ALQ's must be attached to or included within the single-family dwelling so that there is no impression of two distinct dwelling units.
- D. The principal dwelling unit and the ALQ shall have one address and mailbox.
- E. The principal dwelling unit and the ALQ shall not have separate utility metering.
- F. The maximum size of the ALQ shall be thirty (30%) of the area of the principal dwelling, but shall not exceed eight hundred (800) square feet in area.

- G. The design and appearance of the ALQ shall preserve the single-family character of the neighborhood. Private exterior entrances to the ALQ shall be on the sides or rear of the property. Only common entrances to the dwelling shall be permitted on the front.
- H. The homeowner shall file a document in the office of the register of deeds that states that the ALQ is to be used only by members of the family and shall not be used as a rental unit.
- I. The homeowner shall obtain an occupancy permit from the City every three years so that the ALQ can be reviewed for compliance.

19.34.050 Outdoor Lighting

A. Purpose and Intent

It is the intent of this Section to define practical and effective measures to preserve safety, security and the nighttime use and enjoyment of property while minimizing the obtrusive aspects of excessive and/or careless outdoor light usage. These measures will curtail the degradation of the nighttime visual environment by encouraging lighting practices that direct appropriate amounts of light where and when it is needed, increasing the use of energy-efficient sources, and decreasing the wastage of light and glare resulting from over lighting and poorly shielded or inappropriately directed lighting fixtures.

All business, residential, public, institutional, and semi-public use lighting should be installed in an effort to minimize spillover onto adjacent properties and streets.

B. Definitions

For the purposes of this Ordinance, terms used shall be defined as follows:

1. *Direct light:* Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens of a luminaire.
2. *Floodlight or Spotlight:* Any luminaire or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.
3. *Footcandle (FC):* A quantitative unit measuring the amount of light cast onto a given point, measured as one (1) lumen per square foot.
4. *Full cutoff luminaire:* An outdoor fixture shielded or constructed in such a manner that it emits no light above the horizontal plane at the bottom of the fixture.
5. *Glare:* Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see and in extreme cases to cause momentary blindness.
6. *Height of Luminaire:* The height of a luminaire shall be the vertical distance from the ground directly below the center line of the luminaire to the lowest direct light emitting part of the luminaire.
7. *Indirect light:* Direct light that has been reflected or has scattered off of other surfaces.
8. *Lamp:* The component of a luminaire that produces the actual light.
9. *Light Trespass:* The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.
10. *Lumen:* A unit of luminous flux. The lumen output values shall be the initial lumen output ratings of a lamp or light bulb as provided by the manufacturer.
11. *Luminaire:* The complete lighting assembly (including the lamp, ballast, housing, reflectors, lenses and shields), less the support assembly (pole or mounting bracket); a light fixture.
12. *Outdoor lighting:* The illumination of an outside area or object by any manmade device located outdoors that produces light by any means.
13. *Security lighting:* Outdoor lighting used to illuminate walkways, roadways, and building entrances where general illumination for safety is the primary concern.

14. *String of Lights:* A series of lights attached to a wire, race, or inserted in transparent tubing in such a way that it can be moved about or hung in various ways, and whose bulbs are not light fixtures permanently attached to a building or other structure.
15. *Temporary outdoor lighting:* The specific illumination of an outside area or object by any manmade device located outdoors that produces light by any means for a period of not more than ninety (90) days.

C. Applicability

1. *New Uses, Buildings and Additions:* All proposed new land uses, developments, buildings, structures, or building additions of twenty-five (25) percent or more in terms of additional dwelling units, gross floor area, seating capacity, parking spaces or other units of measurement specified herein, either with a single addition or cumulative additions subsequent to the effective date of this provision, except for single-family and two-family dwellings shall meet the requirements of this provision for the entire property. This includes additions which increase the total number of required parking spaces by twenty-five (25) percent or more. For all building additions of less than twenty-five (25) percent cumulative, the applicant shall meet the requirements of this provision for any new outdoor lighting provided.
2. *Installation of New Lighting for Existing Development:* Any new outdoor lighting installed for existing uses except for single-family and two-family residential shall meet the requirements of these regulations.
3. *Street Lighting:* These regulations shall not apply to public lighting that is located in street right-of-way.

D. Design Standards

All outdoor lighting shall be installed and maintained to meet the requirements of this section:

1. *Maximum Light Levels at Property Line:* The maximum light level at any point on a property line shall not exceed 0.0 footcandles when adjacent to a residential zone or 0.2 footcandles when adjacent to non-residential zones, measured five (5) feet above grade.
2. *Architectural Lighting of Building Facades:* The lighting of a building façade for security, architectural, aesthetic, or decorative purposes is permitted subject to the following restrictions:
 - (a) All building façade lighting shall be fully shielded, fully confined from projecting into the sky by eaves, roofs or overhangs, and mounted as flush to a wall as possible.
 - (b) Building façade lighting shall be fully contained within the vertical surface of the wall being illuminated and shall not spill out beyond the edge of the wall.
3. *Canopy Lighting:* Lighting fixtures mounted under canopies used for vehicular shelter shall be aimed downward and installed such that the bottom of the light fixture or its lens, whichever is lower, is recessed or mounted flush with the bottom surface of the canopy. A full cut off light fixture may project below the underside of a canopy. All light emitted by an under-canopy fixture shall be substantially confined to the ground surface directly beneath the perimeter of the canopy. No lighting, except that permitted by the sign ordinance, shall be permitted on the top or sides of a canopy.
4. *Flag Poles:* A flagpole may be illuminated by one upward aimed fully shielded spotlight luminaire which shall not exceed 3500 lumens. The luminaries shall be placed within five feet of the base of the flagpole.
5. *Strings of Lights:*
 - (a) No person shall use a string of lights on property with non-residential uses except as follows:
 - (1) Strings of lights may only be used if they are approved by the Planning Commission as part of an outdoor lighting plan or landscape plan. The

plan must comply with all of the standards of this subsection. The purpose of such lighting is intended to create pleasing pedestrian spaces; such as an outdoor dining or patio area, utilizing low lighting levels.

(2) Strings of lights permitted under this subsection shall be displayed in compliance with the following standards:

- The string of light contains only low wattage bulbs that are not greater than 50 lumens per bulb (equivalent to a seven-watt C7 incandescent bulb);
- The string of lights may be located within a pedestrian way, plaza, patio, outdoor dining area, or the primary entry into a building;
- The string of lights may be displayed on buildings, facades, walls, fences, trees, and shrubs; and
- The string of lights shall not suspend horizontally between any buildings, walls, fences, trees or shrubs (for the purpose of this paragraph, "horizontally" means any portion of the suspended string which dips less than forty-five degrees below the horizontal).

(b) Temporary lighting displays for both residential and non-residential uses: strings of lights may be located on trees, shrubs or structures located in street, rights-of-way and may cross street rights-of-way upon issuance of a right-of-way permit from the Department of Public Works.

6. *Control of Glare-Luminaire Design Factors*

(a) Luminaire Height: The mounting height for luminaries shall not exceed 25 feet as measured to the bottom of the luminaire from grade.

(b) Luminaire: All luminaries shall be non-adjustable and shall have a full cutoff.

(c) Average Maintained Footcandles: The maximum average maintained footcandles for all parking lighting shall be three footcandles. For the purpose of this ordinance the average maintained footcandles shall be calculated at 0.8 of initial footcandles.

7. *Exceptions*

(a) All temporary emergency lighting needed by the Police, the Fire and Public Works Departments or other emergency services, as well as all vehicular luminaries, shall be exempted from the requirements of this article.

(b) All hazard warning luminaries required by Federal regulatory agencies are exempt from the requirements of this article, except that all luminaries used must be shown to be as close as possible to the federally required minimum lumen output requirements for the specific task.

8. *Temporary Outdoor Lighting*

(a) Any temporary outdoor lighting that conforms to the requirements of this Ordinance shall be allowed. Nonconforming temporary outdoor lighting may be permitted by the Planning Commission after considering 1) the public and/or private benefits that will result from the temporary lighting; (2) any annoyance or safety problems that may result from the use of the temporary lighting; and 3) the duration of the temporary nonconforming lighting. The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the Planning Commission, who shall consider the request in the same manner as a site plan approval.

9. *Outdoor Sports Facilities and Park Area Lighting except for single-family and two-family residences:* The proposed lighting for outdoor sports facilities and park areas shall be reviewed and approved by the Planning Commission under the Site Plan Regulations. The proposed lighting will be independently evaluated based on the use being lighted and is not required to meet the requirements of the Outdoor Lighting Regulations.

E. Sign Lighting

Lighting fixtures illuminating signs shall be aimed and shielded so that direct illumination is focused exclusively on the sign and the fixture shall be flush mounted in the ground or screened from view.

F. Lighting Plans Required

A lighting plan shall be submitted to the Planning Commission for review and approval for all conditions as ~~set out~~ set out in Subsection C1 and C2 Applicability, in which outdoor lighting is proposed or required. The lighting plan shall be prepared by an architect, engineer, electrical contractor or lighting consultant and shall include:

- (1) A site plan showing the location of all building and building heights, parking, and pedestrian areas on the lot or parcel;
- (2) The location and description including mature height of existing and proposed trees and the location of light fixtures on adjacent properties or the street right-of-way within ten feet of the subject property;
- (3) The location and height above grade of all proposed and existing light fixtures on the subject property;
- (4) The type, initial lumen rating, color rendering index, and wattage of each lamp source;
- (5) The general style of the light fixture such as cut-off, lantern, coach light, globe, and a copy of the manufacturers catalog information sheet and IESNA photometric distribution type, including any shielding information such as house side shields, internal, and/or external shields;
- (6) Control description including type of controls (timer, motion sensor, time clock, etc.), the light fixtures to be controlled by each type, and control schedule when required;
- (7) Aiming angles and diagrams for sports lighting fixtures; and
- (8) A light calculation which shows the maximum light levels on a grid not to exceed ten feet by ten feet across the entire site and a minimum of ten feet beyond the lot or parcel property line. The grid shall also indicate maximum to minimum uniformities for each specific use area such as parking and circulation areas, pedestrian areas, and other common public area.

G. Final Inspection and Certification

Prior to a final inspection or the issuance of a certificate of occupancy, the applicant shall provide certification that the outdoor lighting as installed complies with the approved illumination plan and the requirements of this section. The certification shall be submitted in a format prescribed by the City. The certification shall be completed by the architect, electrical engineer, contractor, or lighting consultant responsible for the plans or the final installation. (Ordinance 2103, Section II, 2005)

**Prairie Village Zoning Ordinance Updates
Landscape Standards – Final Draft 09/07/19**

19.47 Landscape Standards

19.47.010. Intent & Applicability

- A. **Intent.** The intent of the landscape standards is to:
1. Create an attractive aesthetic environment in the City, and preserve the value of properties as new investment occurs.
 2. Improve the relationship of buildings and sites to the streetscape, and coordinate the designs of multiple sites and buildings along a block through consistent frontage designs.
 3. Encourage creative and efficient site design where the layout of sites and buildings can allow open spaces and landscape to serve multiple aesthetic, screening, environmental, and social or recreational functions.
 4. Enhance the environmental and ecological function of un-built portions of sites.
 5. Reduce the exposure and adverse impacts of intense land uses, activities and site conditions on streets and adjacent areas, and mitigate the effects through landscape designs.
- B. **Applicability.** A landscape plan shall be required for any application that requires a site plan approval per section 19.32. Landscape standards shall specifically apply to:
1. All development in the R-3, R-4, C-O, C-1, C-2, and MXD districts.
 2. Any permitted non-residential uses in the R-1A, R-1B, or R-2 districts, including any conditional uses, special uses, or accessory uses that have a landscape requirement as part of their conditions.
 3. Any single-family development project that requires streetscape or landscape improvements per the Neighborhood Design Standards shall meet the standards in Sections 19.06.025 and 19.08.025.

19.47.020. Required Landscape

- A. **Site Elements and Planting.** The required landscape shall be based on different elements of the site, according to Table 19.47 A: Plant Specifications.

Table 19.47 A: Plant Specifications

<i>Site Element</i>	<i>Trees</i>	<i>Evergreen</i>	<i>Shrubs</i>
Streetscape and Frontage: The area between the front building line and the street, including any plantings required in the ROW, used to create a relationship between the site and the public realm.	1 large tree per 40' of lot frontage; 2 large trees per 40' if buildings setback more than 30'.	n/a	n/a
	Corner lots shall meet this requirement on side lot lines at a rate of 50% of the streetscape and frontage rate.		
Foundation. Areas along the building frontage (within the first 10' – 20 from the building) used to provide accents and soften larger expanses of buildings.	1 ornamental tree per 25' of building frontage.	Evergreens may be substituted for ornamental trees at a rate of 1 for 1 for up to 50% of the requirement.	5 shrubs for 25' of building frontages.
	Side elevations on corner lots shall provide this standard on at least 50% of the building.		
Parking. Areas on the perimeter, or interior of parking where landscape is used to soften the appearance, mitigate heat gain and infiltrate stormwater.	1 large tree per 40' of parking perimeter; and 1 large tree per 40 parking spaces in internal islands or added to the perimeter. Ornamental trees may be substituted for large trees at a rate of 2 for 1 for up to 50% of	Evergreens may be substituted for perimeter trees at a rate of 2 for 1, for up to 50% of the perimeter requirement that does not face a front lot line.	5 shrubs for 25' of perimeter. Any parking near the right of way or adjacent to lots may require buffers per section 19.47.040.

**Prairie Village Zoning Ordinance Updates
Landscape Standards – Final Draft 09/07/19**

Table 19.47 A: Plant Specifications

<i>Site Element</i>	<i>Trees</i>	<i>Evergreen</i>	<i>Shrubs</i>
	the internal islands requirements.		

Buffers. Areas of a site that require additional landscape to mitigate potential impacts on streetscape or adjacent property.

See Section 19.47.040.

- B. **Credits for Existing Vegetation.** Preservation of existing landscape material that is healthy and of a desirable species may count towards these requirements provided measures are taken to ensure the survival of the vegetation through construction and all other location and design standards are met. Credits shall be on a 1 for 1 basis provided existing trees shall be at least 4" caliper to count. Landscape material that is of exceptional quality due to size, maturity and health may be credited on a 2 for 1 basis. Trees or other existing landscape that contributes to the standard shall be protected by a construction fence installed at the greater of the drip line or 15 feet from the trunk of a tree, for the entirety of construction.
- C. **Design.** The required landscape material shall be arranged and designed on a particular site in a way that best achieves the intent expressed in 19.47.010, with regard to the specific context, street frontage, property adjacencies and other elements proposed on the site. Specifically designs shall:
 - 1. Create an attractive site.
 - 2. Improve the relationships of buildings and sites to the streetscape and block.
 - 3. Promote efficient layouts of the site and landscape areas.
 - 4. Enhance environmental and ecological functions of the site.
 - 5. Screen and buffer any potential adverse impacts of site elements.

19.47.030. Landscape Specifications

- A. **Location.** Required plantings shall be planted in the following specific locations and open spaces on the lot.
 - 1. **Frontage Trees.** Frontage trees shall be located in line with other trees along the block to create a rhythm along the streetscape and enclosure of the tree canopy. In the absence of a clearly established line along the block, trees may be planted the following locations, where applicable and in order of priority.
 - a. Street trees on center between the sidewalk and curb where at least 6 feet of landscape area exists;
 - b. Street trees 4 to 8 feet from the back of curb where no sidewalk exists; or
 - c. Private frontage trees within the first 5 feet of the front lot line where any constraints in the right-of-way or on the lot would prevent other preferred locations.
 - d. Where the depth of the frontage between the building and streetscape require additional trees per Table 19.47 A,, any additional trees shall be located between the front building line and the street.
 - e. Ornamental trees may be substituted for large frontage trees only in situations where no other alternative is available due to constraints of the site and right-of-way conditions.
 - f. Planting of any frontage trees in the right-of-way shall be coordinated with Public Works for permits, location and planting specifications.
 - 2. **Foundation Trees & Shrubs.** Foundation plantings shall generally be located in open spaces within 20 feet of the building, or within planting beds at least 8 feet deep and along at least 35% of the building. Groupings of required trees and shrubs are permitted to provide the best balance of the following goals:
 - a. Relate sites and building to the lot frontage and streetscape;

Prairie Village Zoning Ordinance Updates
Landscape Standards – Final Draft 09/07/19

- b. Accent or emphasize points of significance along the building frontage;
 - c. Soften larger expanses of building wall planes along the frontage; and
 - d. Maintain visibility of signs or key elements of the building.
3. **Parking Perimeter & Island Planting.** Parking lot perimeters shall be permeable vegetated ground cover meeting the following size and dimension requirements.
- a. Parking lot perimeters shall be at least 8 feet wide except for locations where walkways are necessary to provide access to the building or to a public sidewalk in the streetscape, in which case the width of the walk way shall be added to the minimum 8 feet requirement.
 - b. Parking lot islands shall be at least 120 square feet and at least 8 feet wide in all directions. Parking lots under 80 spaces shall not require islands; parking lots 80 spaces or more shall require at least 1 island per 40 spaces. Islands may stand alone within the parking lot or may project into the parking area from the perimeter buffer, but should generally be spaced equally throughout the parking lot. In general no space shall be further than 100 feet from an island or perimeter buffer, and no more than 40 consecutive spaces shall occur without being adjacent to a perimeter buffer, “end cap,” or “peninsula” island.

B. **Specifications.** Required planting shall meet the following specifications at planting.

Table 19.47 B: Plant Specifications

Type	Specification
Large Tree	2" caliper
Ornamental Tree	1.5" caliper
Evergreen	5' minimum height
Shrub	18" minimum height
Ground Cover	50% coverage at planting; Full coverage within 2 growing seasons
Turf	All proposed or required turf areas shall be sodded.

All landscape materials shall meet the American Standards for Nursery Stock, published by the American Nurserymen’s Association, and be selected for its native characteristics or survival in the climate for the Kansas City region, and be planted and maintained according to ANSI-accredited specifications for this region.

C. **Tree Diversity.** The required trees planted shall promote diversity with the following species selection criteria.

Table 19.47 C: Tree Diversity

Required Trees	Diversity
1 - 4	No specific requirement, but trees should be diversified from those existing trees in the vicinity.
5 - 10	At least 2 genus No more than 50% of any one species
11 - 20	At least 3 genus; AND At least 4 species No more than 40% of any one species

Table 19.47 C: Tree Diversity

<i>21 or more</i>	At least 3 genus ; AND At least 5 species No more than 33% of any one species
-------------------	---

D. **Maintenance.** All landscape plans shall include installation specifications, a statement on the of maintenance methods. All plantings shall be properly maintained. All elements of an approved landscape plan, including plant materials shall be considered elements of the project in the same manner as parking, buildings or other details. Plant materials which fail to grow within a 2-year period, or which exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated. The City may order that any plant that dies or is in danger of dying be removed and replaced by the property owner. Planting may be deferred for up to 6 months from completion of any site or right-of-way construction to allow for timely planting that ensures the health and survival of plants.

19.47.040. Buffers and Screening

Intense land uses or unattractive site elements shall be buffered and screened from streetscapes and adjacent property using the following strategies and techniques, which may require additional landscape materials beyond the requirements in Table 19.47 A.

- A. Areas of parking or circulation near streets or property lines may require 2.5 to 4 feet hedge and/or ornamental wall screen.
- B. Accessory structures, mechanical equipment, trash enclosures, loading or service areas, and other similar functional or utility elements of the site shall be buffered and screened from streetscapes or adjacent property with a combination of landscape, fencing, walls or other structure components compatible with the building design.
- C. Commercial uses, or parking service areas of non-residential uses allowed in residential districts, abutting residential property may require a screen and buffer combination, using a combination of dense vegetation, fences and walls compatible with the buildings, other structural or landscape elements of the site.
- D. Areas that transition to different uses or building scale, whether across streetscapes or between lots along the same street, may require enhanced landscape areas to soften transitions.
- E. Areas designed as gathering places, for social function or as civic amenities to support the site or area may require enhanced landscape to create human-scale spaces, comfort, visual interest, and appropriate transitions.

19.47.050. Exceptions

- A. **Administrative Adjustment** Staff may grant an administrative adjustment of up to 10% of any location or dimension requirement (i.e. 9' or 11' instead of 10') and 25% of any plant requirement (i.e. 3 plants instead of 4 plants), or types of plant and species where the following criteria are met:
 - 1. The proposed landscape plan taken as a whole equally or better meets the intent of this section, and any design objective of the specific standards.
 - 2. The proposed plan incorporates any existing vegetation in a manner that is not better served by new plants.
 - 3. The proposed plan uses sound landscape architecture design principles and industry standards considering the context, species, and planting specifications that ensure the long-term maintenance and survival of plants.
 - 4. The request for the adjustment is justified by some specific conditions on the site that would make compliance with the standard less effective than the proposed plan or unreasonably difficult when compared to the proposed plan.

Prairie Village Zoning Ordinance Updates
Landscape Standards – Final Draft 09/07/19

- B. Site Plan Exceptions. The Planning Commission may grant exceptions to these standards beyond what is permitted by Administrative Adjustments through the Site Plan review process. The Planning Commission shall use the same criteria stated for administrative adjustments. In addition, the Planning Commission may consider balancing the need for adaptive reuse of existing sites with a landscape budget proportionate to the amount of work being done on the site.

DRAFT

Prairie Village Zoning Ordinance Updates
Sign Standards – Final Draft 09/12/19

19.48 Sign Standards

19.48.010. Intent & Applicability

- A. **Intent.** The intent of the sign standards is to:
1. Create an attractive aesthetic environment in the City.
 2. Enhance the quality and civic design of the community through the visual priority of buildings, open spaces, streetscapes, landscape, and other investments in the public realm.
 3. Preserve the unique character of distinct areas by ensuring signs contribute to an appropriate sense of place.
 4. Ensure safety of pedestrians, motorists or other users of the public rights-of-way with proper location, construction, design, operation and maintenance of signs.
 5. Promote economic viability by assuring that the City is a visually pleasant place to visit, conduct business, and live.
 6. Provide effective and efficient identification and communication for businesses, institutions, and other community destinations without excessive competition for visual attention.
 7. Protect property values and investments by minimizing adverse effects of signs on adjacent property, such as light trespass, obstructing views and access, or visual clutter and blight.
 8. Ensure that the constitutionally guaranteed right of free speech is protected through reasonable standards for signs as a way of public communication.
- B. **Applicability.**
1. All new signs and replacement of existing signs that are visible from the right-of-way, from adjacent property, or from internal publicly accessible common or private spaces intended to serve as an extension of public-streets and open spaces shall require a sign permit demonstrating compliance with these sign standards, unless exempt from a permit by Section 19.48.020. Ordinary maintenance, care or repair of existing signs without altering the essential construction elements of an existing sign shall not require a permit for zoning and design standards, but any associated electrical or construction work may require permitting per applicable building codes.
 2. Applications for a sign permit shall be signed by the owner or the owner's legal tenant, and include plans and specifications demonstrating compliance with all applicable standards of this Chapter, and any other building and construction codes of the City. The Building Official is authorized to establish forms and submittal requirements, and may request any additional information on a particular site, building or sign necessary to evaluate compliance with these standards.
 3. Any owner of a site or building subject to property-specific sign standards approved by the City prior to December 1, 2019, may apply for a sign permit under these generally applicable standards and procedures. The owner may opt out of the previous property-specific standards by way of the application, and the owner shall issue a signed statement of that fact with the application. Upon approval of any sign applied for in this manner, the property-specific sign standards shall no longer be in effect, and any further property-specific standards shall only be enforced by the City subject to the standards and procedures in Section 19.48.100.

19.48.020 Exempt Signs

The following signs are exempt from the permit process provided they meet all other applicable requirements of this Chapter. Unless specifically noted, they are additional signs that do not count towards the sign allowance specified for the zoning districts. Any sign that exceeds the limits of the

Prairie Village Zoning Ordinance Updates
Sign Standards – Final Draft 09/12/19

exemption may only be permitted within the allowances and standards of a specifically permitted sign type.

- A. **Property Identification Signs.** Signs clearly indicating the property address or building identification are encouraged to enhance the ability of public safety, emergency services personnel, and the general public to locate the property. Property identification signs are subject to the following limitations:
1. **Address Signs.** Two per address up to 2 square feet each, only one of which may be ground mounted. Address signs on buildings shall be between 4 feet and 9 feet high. Ground-mounted address signs shall be no more than 36 inches high.
 2. **Building Name Plate.** Each building may have one name plate sign up to 3 square feet, except that a name plate sign such as engraved stone, bronze, brass or similar ornamental detail integrated with the architecture and associated with the permanence of the building, rather than a particular tenant, may be up to 24 square feet when approved by the Planning Commission as part of the construction or substantial modification of the building.
- B. **Public Safety, Traffic Control or Public Information.** Signs designed and located to control traffic movement and safety of vehicles and pedestrians according to uniform traffic control device standards, signs required by the City's Building or Fire Code, or signs otherwise required to support any official action or legal obligation of a federal, state or local government, may be designed and located to meet the public purpose or requirements of other codes.
- C. **Flags.** Up to three non-commercial flags may be permitted per lot. Flags shall be mounted to the building and below the building height or mounted on a permanent pole subject to the height restrictions of the zoning district and setback from the property line a distance equal to the height. Total flag area per property shall not exceed 80 square feet and no more than 40 square feet per flag for property zoned residential, and shall not exceed 200 square feet or 96 square feet per flag for property zoned non-residential.
- D. **Window Signs.** Signs mounted to the interior of any first floor windows in non-residential districts, provided signs not exceed more than 33 percent of all first floor window area measured between 2 feet and 10 feet above the first floor elevation, and at least 50 percent of the entire window area remains clear of any visual obstructions including the sign area.
- E. **Temporary Signs.** Temporary signs are exempt from the sign permit process, provided they are within the allowances specified for the zoning district in Tables 19.48-2 and 19.48-3, and Section 19.48.070C.
- F. **Accessory Signs.** Accessory signs for non-residential uses or multi-family complexes, intended to convey messages guests, patrons, or other users of the site, such as parking instructions, internal directions, building names or unit numbers, security warnings, or other similar minor signs that are accessory if limited to:
1. No more than 20 square feet total sign allowance per site, or 30 square feet per acre, whichever is greater.
 2. No more than 4 total signs per site, or 10 per acre, whichever is greater.
 3. No single sign may be more than 10 square feet;
 4. Signs shall be no more than 6 feet high, whether ground mounted or building mounted;
 5. Signs shall be setback at least 20 feet from all property lines; and

Prairie Village Zoning Ordinance Updates
Sign Standards – Final Draft 09/12/19

- 6. Grouping or arranging minor signs to have the effect of a larger permitted sign or to convey messages and increase visibility to the general public (as opposed to guests, patrons or other users of the site) makes all signs ineligible for this exemption.

- G. **Construction Signs.** Signs associated with a temporary non-residential or multi-family construction project and erected to promote public information or public relations regarding the project if limited to:
 - 1. Up to 80 square feet total sign allowance per public street frontage;
 - 2. No more than 3 signs per street frontage.
 - 3. Signs shall be mounted on a trailer, building or fence, or if mounted on the ground it shall be limited to no more than 10 feet high; and
 - 4. The signs shall only be posted for the duration of a valid permit associated with the project.

Construction signs for single-family and two-family structures in the residential zoning districts are required to meet the applicable temporary sign standards for those districts.

- H. **Sale or Lease Signs.** One sign shall be permitted for any lot or building being offered for sale if limited to:
 - 1. No more than 12 square feet for residential lots 1 acre or less.
 - 2. No more than 20 square feet for non-residential property, or any residential property on larger than 1 acre.
 - 3. No sign shall be more than 5 feet high if mounted on the ground, and no higher than 20' high or the top of the building, whichever is less, if mounted on a building.
 - 4. Only the period where the property is actively on the market or pending the finalization of a contract for sale or lease.

- I. **Interior Signs.** Any sign that is not visible from the right-of-way, from any point along the perimeter of the property or from adjacent property, or from publicly accessible common or private spaces intended to serve as an extension of public-streets and open spaces are exempt from permits and these standards, other than those applicable by building codes or construction standards.

19.48.030. Sign Types

The following general sign types are distinguished for the purposes of the sign allowances requirements in this Chapter.

Table 19.48-A Sign Types

Type	Description
A Wall Sign	A sign painted, printed or attached to the exterior surface of a building, awning, canopy or other fixed building surface in a permanent manner with a scale and design legible to vehicles in the public right-of-way or pedestrians at a distance from the building.
B Monument Sign	A detached sign that is mounted to the ground, independent from any building and on an enclosed, solid base or ornamental surface structure, with a scale and design legible primarily to vehicles in the public right-of-way or pedestrians at a distance from the building or site. Detached signs mounted on one or more poles columns or similar structures where the bottom edge is elevated above the ground are prohibited, except as authorized as Pedestrian Signs or Temporary Signs.

Prairie Village Zoning Ordinance Updates
Sign Standards – Final Draft 09/12/19

Table 19.48-A Sign Types

Type	Description
<i>C Pedestrian Signs</i>	A sign with a design and scale to be legible to pedestrians in front of or immediately adjacent to the building, or to be legible to individuals internal to a site containing multiple buildings. Pedestrian signs may be attached to a building or detached, provided they are located in a permanent manner such as hanging below a canopy or awning, projecting from a wall, mounted on a wall, door or window, or free-standing.
<i>D Temporary Sign</i>	A portable sign which is not permanently embedded in the ground or permanently affixed to a building or structure, and designed or intended to be used for a brief period of time.

19.48.040. Residential Sign Allowance

The following signs are permitted in the residential zoning districts (R-1A, R-1B, R-2, R-3 or R-4), for any planned version of these districts, and for any residential building or use permitted in a non-residential district.

Table 19.48-B: Residential District Sign Allowances

Wall Signs	<p>Permitted principal non-residential or multi-family uses:</p> <ul style="list-style-type: none"> ▪ 2 per building, but no more than 1 per wall ▪ Maximum 5% of façade total allowance, but, no more than 50 s.f. per sign. <p>[See additional wall sign standards in Section 19.48.070.B.]</p>
Monument Signs	<p>Permitted principal non-residential or multi-family uses:</p> <ul style="list-style-type: none"> ▪ 1 per lot ▪ 20 square feet maximum ▪ 5' high maximum ▪ Setback at least 3' from all property lines and at least 12' from a street, whichever is greater ▪ Requires Planning Commission Site Plan approval. <p>Monument signs for a neighborhood or groups of housing with 10 or more lots or at least 5 acres may be approved by the Planning Commission, provided:</p> <ul style="list-style-type: none"> ▪ No sign is larger than the above limits ▪ The design, quality and location is compatible with the character and context of the neighborhood; and ▪ There is a Homeowner's Association to ensure on-going maintenance of the sign and landscape. <p>[See additional monument sign standards in Section 19.48.070.A.]</p>
Temporary Signs	<ul style="list-style-type: none"> ▪ 32 s.f. total sign allowance ▪ 16 s.f. per sign max; ▪ 5' high maximum, or no higher than 20' or top of the roof, whichever is less if mounted on a building. ▪ 90 day limit per sign; 120 day limit for period where more than sign displayed. <p>[See additional temporary sign standards in Section 19.48.070.C.]</p>
Pedestrian Sign	<p>Permitted principal non-residential or multi-family uses:</p> <ul style="list-style-type: none"> ▪ 1 per each public building entrance ▪ 12 s.f. maximum ▪ Mounted on a wall within 10' of the entrance, or mounted on the ground within 20' of the entrance feature and no taller than 5 feet.

Prairie Village Zoning Ordinance Updates
Sign Standards – Final Draft 09/12/19

19.48.050. Non-residential Sign Allowance

The following signs are permitted in the commercial zoning districts (C-O, C-1, C-2, and C-3), and for any planned version of these districts.

Table 19-48-C: Commercial District Sign Allowances

Wall Signs	<p>Permitted principal uses:</p> <ul style="list-style-type: none"> • 2 per principle facade, up to 4 per building, except that any building with multiple office or store exterior entrances may have a sign, and the total area apportioned to its exterior wall space of each office or store. • Maximum 5% of façade total allowance, but no more 50 s.f. per sign. <p>[See additional wall sign standards in Section 19.48.070.B.]</p>
Monument Signs	<p>Permitted principal uses:</p> <ul style="list-style-type: none"> ▪ 1 per street frontage ▪ 20 square feet maximum ▪ 5' high maximum ▪ Setback at least 3' from all property lines and at least 12' from a street, whichever is greater ▪ Gas stations may have 1 monument sign up to 85 square feet, provided it is at least 50' from any residential property. ▪ Requires Planning Commission Site Plan approval. <p>[See additional monument sign standards in Section 19.48.070.A.]</p>
Temporary Signs	<ul style="list-style-type: none"> ▪ 48 s.f. total sign allowance ▪ 16 s.f. per sign max; ▪ 5' high maximum, or no higher than 20' or top of the roof, whichever is less if mounted on a building. ▪ 90 day limit per sign; 120 day limit for period where more than 1 sign displayed. <p>[See additional temporary sign standards in Section 19.48.070.C.]</p>
Pedestrian Signs	<p>Wall, Canopy or Awning Signs</p> <ul style="list-style-type: none"> ▪ 1 per 50 feet of building frontage, or 1 per storefront tenant, whichever is greater. Gas station canopies may have 1 per canopy face. ▪ 6 s.f. maximum ▪ Mounted directly on the surface of the wall, awning or canopy, or if hanging below, at least 7' 6" clear from the sidewalk below the sign. <p>Entrance Signs</p> <ul style="list-style-type: none"> ▪ 1 per primary business entrance, and shall be within 10' of the entrance ▪ 8 s.f. maximum ▪ Mounted flush to the wall, or if projecting may project up to 4' off the wall but must be at least 7'6" clear from the sidewalk below the sign.

19.48.060. General Standards Applicable to All Signs

A. Public Health, Safety and Maintenance.

1. All signs shall be designed, constructed, located and maintained in a manner that is compliant with all other building codes, and in no way presents any potential risk to public safety in the judgment of the Building Official.

Prairie Village Zoning Ordinance Updates
Sign Standards – Final Draft 09/12/19

2. No sign shall imitate or resemble government signs for traffic direction or any other public safety symbol.
3. No sign shall be placed in any sight triangle applicable to public streets, internal access streets, or driveway access points using the sight distance provisions of Article 13-2A of the City Code.
4. Any sign projecting over a walkway or other active area in front of a building or other area where people may walk shall maintain at least 7' 6" vertical clearance.
5. All signs and any surrounding grounds or landscape, shall be maintained in good condition, free of any debris, weeds, disrepair or other unsightly conditions.

B. *Specific Designs Prohibited.*

1. No sign shall be placed on any vehicle or trailer, when such vehicle or trailer is placed or parked visible from the right-of-way, and the primary purpose of the sign is to deviate from the standards or criteria of this Chapter.
2. No sign shall be attached to any public utility pole or shall be installed within the right-of-way of a public road or street, except as permitted by the public authority or where specifically exempt from the right-of-way prohibition by this Chapter.
3. No sign shall include balloons, streamers, pennants or other air activated elements and animated elements, whether animated by mechanical, electrical, or environmental means, except as authorized through any temporary use or special event permit.
4. No sign shall have any electronic message, video display or other digital display, except the Planning Commission may approve the following through the site plan review:
 - a. Time and temperature displays, provided it is in place of an allowed wall sign and is a static display.
 - b. Digital display of prices for gas station monument signs provided no other information than price is displayed.
 - c. In each case, the Planning Commission shall consider the intent of these standards, and the potential impacts of the lighting or digital display on adjacent property.
5. Obscene signs are prohibited. "Obscene" is considered to be any material that:
 - a. the average person, when applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest; or
 - b. the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law; and
 - c. the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.
6. Any sign with a business message shall be located on the site of the business activity.

C. *Illumination.*

1. Any illumination shall be designed to eliminate negative impacts on surrounding rights-of-way and properties. In general, any direct source of light shall not be visible from the public street or adjacent residential property.
2. The light from an illuminated sign shall not flash or oscillate, or create any negative impact on adjacent property in direct line-of-sight to the sign.
3. External light sources shall be directed and shielded to limit direct illumination of any object other than the sign.
4. Exposed incandescent, neon or other tube lighting shall be limited to window signs mounted to the inside of the building, or as an accent of less than 10% of the sign area of other signs.
5. High pressure sodium, low-pressure sodium, and fluorescent lighting are prohibited.

19.48.070. Standards for Specific Sign Types

Prairie Village Zoning Ordinance Updates
Sign Standards – Final Draft 09/12/19

A. Monument Signs

1. All monument signs shall require Sign Plan and Permit approved by the Planning Commission according to these standards and criteria.
2. Monument signs shall be located within a landscape area at least 3 feet in all directions from the base of the sign, or be located in a large landscaped yard.
3. Monument signs shall have a base at least 75% of the width of the widest part of the sign. The base shall not count as part of the sign area provided it contains no messages or other component of the sign, and is otherwise integrated into the site as a landscape feature.
4. All monument signs and bases shall be constructed with durable, quality materials that complement the building and other site elements in terms of material, colors, and ornamentation.
5. All monument signs shall be accompanied by a landscape plan that integrates the sign area into the overall site, softens the view and appearance of the structural elements, and otherwise improves the view of the sign and property from the streetscape.
6. The Planning Commission shall consider the intent of this Chapter and the objectives of the Design Guidelines in Section 19.48.080 in approving a Sign Plan and Permit. Deviations from the specific design guidelines may be approved for any sign plan that equally or better meets the intent or design objectives of this Chapter.

B. Wall Signs. Wall signs are subject to the following additional limitations:

1. Signs attached to a building shall not extend vertically above the highest portion of the wall plane of the facade it is mounted on or the roofline, whichever is less. No portion of a building wall may be built above the roofline, that serves no other structural or architectural purpose, other than to mount a sign or expand the sign area allowance.
2. Signs attached to a building shall not project more than 12 inches off the surface it is mounted on unless specifically exempt from this limit by this Chapter.

C. Temporary Signs. Temporary signs are subject to the following additional limitations:

1. Any temporary sign shall be placed with the permission of the property owner, and it is the responsibility of the person placing the sign and the property owner to ensure the sign meets all standards and is removed when the applicable display time limit has expired.
2. Temporary signs shall not be illuminated or painted with a light-reflecting paint.
3. Temporary signs shall be constructed of rigid material, designed to resist quick deterioration from the elements, and securely anchored so as not to pose a distraction or hazard to drivers. Non-rigid materials (such as banners) shall be secured by a support or frame to avoid distraction of flapping and set back at least 20 feet from the pavement edge of the fronting roadway, or may be attached securely to a building or structure.
4. No temporary sign shall be displayed for more than 90 consecutive days, without 30 days intervening, and any temporary sign related to a particular event shall be removed within 7 days from the end of that event.
5. The period of time when a property has more than one temporary sign displayed shall not be more than 120 days in a calendar year.
6. Relocation of a temporary sign, removal of the sign for a short period, or removal and replacement with a substantially similar sign to expand the time periods is prohibited.
7. The Building Official shall be authorized to require the removal of any temporary sign that pertains to an expired event.

D. Multi-tenant Buildings and Sites

1. All signs for multi-tenant buildings or sites shall require Sign Plan and Permit approved by the Planning Commission according to these standards and criteria.
2. The sign plan shall demonstrate coordination of all signs on the building, allow sufficient flexibility for the replacement of signs or new tenants without the need for a new sign

Prairie Village Zoning Ordinance Updates
Sign Standards – Final Draft 09/12/19

- plan, unless a completely new sign design concept is proposed for the entire building or site.
3. The wall sign allowance may be apportioned to any tenant with a separate exterior entrance. In the case where all tenants share a common entrance the wall sign allowance may be apportioned to no more than two signs per facade.
 4. The monument sign allowance for the building(s) and site shall meet the standards of 19.48.070.A, however the copy within the allowed sign may be apportioned to multiple tenants.
 5. The Planning Commission shall consider the intent of this Chapter and the objectives of the Design Guidelines in Section 19.48.080 in approving a Sign Plan and Permit. Deviations from the specific design guidelines may be approved for any sign plan that equally or better meets the intent or design objectives of this Chapter.

19.48.080. Design Guidelines

All signs shall be designed to convey durability and a quality appearance. Signs should meet the following design guidelines, and where the Building Official determines that a sign presents a substantial deviation from these guidelines and could conflict with the intent of this Chapter, the Building Official may require that the sign permit application be reviewed by the Planning Commission, according to the procedures and criteria in Chapter 19.32.

- A. Materials, particularly for the frames, casings or bases of signs, should be chosen to compliment the architecture of the building, and coordinate with other accent materials or architectural details of the building. In general, natural construction materials such as wood, metals, ceramic, and stone should be used for frames of all wall signs and bases of monument signs. Synthetic materials should only be used if they are designed to resemble the recommended natural materials. Plastic or acrylic is discouraged as the primary component of signs, except when used for sign panels that are accompanied by frames or individual letter casings that add architectural details to compliment the building.
- B. Simple 2- and 3-color contrasting colors schemes should be used between the color of the background, letters, and accents to ensure legibility and quality appearances. Symbols and logos may incorporate other colors. Colors or color combinations that interfere with the legibility of the sign copy should be avoided. Fluorescent colors should be limited to accents and typically less than 10% of the sign area.
- C. The location of all permanent signs should be incorporated into the architectural design of the building. Placement of signs should be considered part of the overall facade design. Sign locations should be carefully considered, and align with major architectural features such as marquees, building name plates, storefront sign bands, cornices and parapets, entrance features, windows, canopies and other similar architectural features.
- D. Buildings that have multiple wall or ground signs should coordinate all signs for the building or site. Coordination may be established by combinations of two or more of the following:
 1. The same fonts, in terms of color, scale, and style. However, a primary and secondary font may be incorporated into signs.
 2. The same sign background in terms of material and color or coordinated colors.
 3. The same casing or framing in terms of materials and style, provided it is prominent enough to be a visible coordinating element across multiple signs.

Prairie Village Zoning Ordinance Updates
Sign Standards – Final Draft 09/12/19

4. A consistent scale, orientation, shape or placement of signs. For example, all oval signs, or all signs located within a sign band across storefronts.
 5. Other elements specific to a proposed sign package.
 6. Limited deviations in the consistency are allowed for:
 - a. Any one sign may reserve up to 33% of the sign area for logos or icons that are unique to the tenant and deviate from the consistency elements.
 - b. Any building with three or more significant tenant spaces, or other similar large building or sites, may have one gateway sign per facade that deviates from the consistency elements provided it is associated with a prominent point of entry or similar point of architectural emphasis.
 - c. Pedestrian signs may deviate according to section 19.48.080.E. below.
- E. Pedestrian signs should help create architectural variety and unique business identities from establishment to establishment. In multi-tenant buildings, pedestrian signs should be used to create interest and variety of the tenants, while overall building and site signs should create consistency and identity of the place and building.

19.48.090 Alternative Sign Plans

Shopping centers, office parks or other multi-tenant projects with 3 or more buildings or 4 or more acres may propose a property specific sign plan. The sign package shall be based on the intent, types of signs, and standards of this Chapter, but the Planning Commission may approve deviations to these standards where they find that the plan:

- A. Promotes a unique character for the area, and improves the image and identity of the project as it relates to the surrounding community.
- B. Presents uniform designs to coordinate multiple components of the project, and where there are distinctions in the type and design of the signs, they are well-coordinated in light of the overall plan.
- C. The plan has clear and explicit standards for the size, location, design and quality of the signs, and it anticipates future tenants or changes in tenants without requiring amendments to the plan.
- D. The property owner or landlord has authorized the plan, and any changes to the plan will require the property or landlord to submit a new application to be approved by the Planning Commission.

19.48.100. Interpretation of Measurements

The following shall be used in interpreting dimensional standards for signs:

- A. *Sign Area.* Signs mounted on or displayed as a standard geometrical shape shall be measured by the standard mathematical formula for that shape. Signs mounted on or displayed as an irregular shape shall be measured by the smallest area of up to two standard geometrical shapes that can encompass the entire sign mounting.
- B. *Detached Signs.* The area of the sign shall be computed by the entire area of the face of the structure, cabinet or module enclosed by the border of the frame.
- C. *Wall, window or other building-mounted signs.* Any building mounted sign mounted on a background shall be measured by the area of the background. If mounted directly on the wall, the area shall be computed by means of the smallest single and continuous perimeter of up to two standard geometric shapes that enclose the outer limits of the writing, emblem or other display.

Prairie Village Zoning Ordinance Updates
Sign Standards – Final Draft 09/12/19

- D. *Wall Area.* The area of a wall for determining that wall sign allowance shall be the continuous plane of the facade that a sign is mounted on, or when apportioned to multiple tenants the exterior wall area associated with each tenants gross leasable floor area. Structures built solely to expand the wall plane for the purpose of increasing the sign area or mounting a sign shall not count towards the wall area.
- E. *Window Area.* The area of a window for determining the window sign allowance shall be the actual surface of the clear glass inside the window casing. Larger windows or glass panels shall only count this area between 2 feet and 10 feet above the finished floor elevation.
- F. *Double-faced Signs.* Where the sign faces of a double-faced sign are no more than three feet apart at any location, only one face will be measured in computing sign area. If the two faces of a double-faced sign are of unequal area, the area of the sign will be the area of the larger face. In all other cases, the areas of all faces of a multi-faced sign or the surface area of objects will be added together to compute the area of the sign.

Prairie Village Zoning Ordinance Updates
Renewable Energy – Final Draft 9/16/19

19.50 Alternative Energy Systems

19.50.005 Intent & Applicability.

A. **Intent.** The intent of this Chapter is to:

1. To allow residents to use renewable energy resources, specifically wind, solar and geothermal, as an alternative to the prevailing sources of natural gas and electricity.
2. To promote small-scale, site-specific energy strategies that can reduce consumption and reliance on fossil fuels or other non-renewable energy source, and allow more efficient heating, cooling and lighting of sites and buildings.
3. To establish standards for the use of renewable energy equipment that ensure effective site design, minimize potential impacts on adjacent property, and promote the character of neighborhoods and districts in the City.

B. **Applicability.** Site-specific renewable energy systems that meet the standards of this Chapter are considered an accessory use to the principal use of property, and shall be approved by the issuance of a Building Permit, subject to all applicable building codes. Some applications also require Site Plan or Special Use Permits as specified in this Chapter. Applications for hybrid energy systems that use combinations of two or more of the types of systems in this Chapter may be joined as a single application, subject to the most detailed approval procedure for any component of the system. Any renewable energy systems not meeting the standards of this Chapter, or any authorized exceptions or alternative approval procedures specified in this Chapter, may only be permitted by a variance subject to the procedures and criteria in Chapter 19.54 of this ordinance.

19.50.010. Solar Energy. The following regulations shall apply to accessory solar energy systems:

A. **Related Ordinances.** All equipment shall comply with any other applicable provisions of the municipal code or this ordinance, including building setbacks, yard requirements and height restrictions.

B. **Solar Easements.** In order to preserve and protect the solar access accords adjacent property, a solar easement may be arranged between adjacent property owners. However, the solar easement may not be used to negate any other development or design standard required by this ordinance or other applicable law. It is the responsibility of the parties to the easement to report and file the easement with the Building Official at the time of any building permit application that may be impacted by the easement.

C. **Compatibility.** The design of any solar energy system shall generally be compatible with the character of the neighborhood or district, the architectural design of the buildings, and situated on a site in a manner that minimizes potential negative impacts on adjacent property or public streetscapes. Compatibility shall be evaluated as follows:

1. Systems mounted on pitched roof structures or vertical walls shall not project more than 5 inches off the surface of the roof or wall and be generally parallel to the roof pitch or vertical wall.
2. Systems mounted on flat roofs shall be setback from the roof edge a distance equal to the amount they project off the roof deck, or be concealed from street level or ground level of adjacent property by a parapet. Any panels or accessory equipment that projects more than 2 feet off the roof deck shall be screened in the same manner as other rooftop accessory building equipment.
3. Framing, mounting racks, piping, conduits or other associated equipment shall be designed, located or use colors to minimize the visibility from streetscapes or adjacent property, and blend with the overall design of the building.

Prairie Village Zoning Ordinance Updates
Renewable Energy – Final Draft 9/16/19

4. Ground mounted solar panels shall be located behind the front building line, and be setback from adjacent property by at least ten feet. No ground-mounted equipment shall exceed eight feet high. All ground-mounted equipment shall be screened from adjacent property and the street by fences, landscape or a combination of both. This provision shall not apply to solar energy facilities attached to utility poles, light fixtures or other similar accessory structures provided they be designed in a manner that integrates the energy collecting components into the design of the structure in a manner that does not significantly alter the appearance of the structure, when compared to other similarly functioning accessory structures.
5. No solar panel shall be mounted in a location where it could create additional glare on adjacent sites or otherwise damage plants or structures on adjacent property from reflectiveness or heat sources. Panels in locations with the potential to contribute to this situation may satisfy this requirement with manufacturer's specifications that demonstrate minimal glare, reflectiveness and heat gain.

D. **Exceptions and Alternatives.** Any solar energy system that does not meet the standards of this section may only be permitted with a site plan, approved by the Planning Commission according to the procedures and criteria of Chapter 19.32. In addition, the Planning Commission shall consider the following criteria:

1. The intent of this Chapter, and whether the proposal is contrary to the intent of any other sections of this ordinance.
2. The context of the application, and in particular the relationship of the proposed facilities to surrounding property.
3. Whether the proposed design and requested exceptions are necessary to ensure that the function and efficiency of the solar energy system is maintained, and whether the exception could negatively impact other design or sustainability principles.

19.50.015. Wind Energy. The following regulations shall apply to accessory wind energy systems:

A. **Site Plan Approval.** The following wind energy systems may be permitted with a site plan, approved by the Planning Commission according to the procedures and criteria of Chapter 19.32.

1. Wind turbines installed on any structure which is otherwise permitted to be three stories or greater, and at least 35 feet tall, provided that the wind turbines shall add no more than twenty additional feet to the structure.
2. Wind turbines on structures less than three stories or under 35 feet tall, provided the turbine adds no more than one-half the actual height of the structure.
3. Wind turbines installed on light or utility poles up to 25 feet tall, provided the wind turbine adds no more than twenty percent to the actual height of the pole.
4. The Planning Commission shall consider the following criteria in addition to the general site plan criteria:
 - a. Whether the location and design of the turbine is architecturally compatible with the building.
 - b. Whether the location on the site is likely to generate noise, physical, optical (light or shadow-flicker), or aesthetic impacts on adjacent property.
 - c. Any other potential physical impacts or conflicts from the location of the system, the type and typical function of the system, or other issues associated with the siting or operation of the wind turbine.

B. **Special Use Permit.** Any wind turbine in a non-residential zoning district, which does not meet the criteria or eligibility for site plan approval, may be permitted with a special use permit, approved by the City Council according to the procedures and criteria of Chapter 19.28. The special use permit shall meet the following additional criteria:

1. No turbine more than 150 feet tall may be approved in any circumstance.
2. Any ground-mounted turbine shall be on a lot of at least one acre.

Prairie Village Zoning Ordinance Updates
Renewable Energy – Final Draft 9/16/19

3. All ground-mounted wind turbines shall be setback from the property line a distance equal to its height, measured at the highest rotation of the blades. When two or more turbines are on the same lot, they shall be separated from each other by this same distance.
5. Wind turbines shall be painted a non-reflective, non-obtrusive color that blends with the context, surroundings or buildings in the vicinity.
6. All tower structures shall be self-supporting monopoles, unless attached to a structurally reinforced roof where not support structure is warranted. Lattice structures shall not be permitted.
7. Blade sizes for rotary turbines shall be limited to 1/3 the support structure height. Blade clearance for a ground-mounted horizontal-axis, propeller-style wind turbine shall not be less than 30 feet at the lowest point.
8. Turbines shall not be lit unless such lighting is required by the Federal Aviation Administration (FAA) or other applicable authority.
9. Signs shall be limited to the appropriate warning signs (e.g. electrical hazard or high voltage) placed on the wind turbine tower(s), electrical equipment, and the wind turbine.
10. Reasonable efforts shall be made to locate utility connections from the wind turbine(s) underground, depending on the appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for the utility interconnections may be above ground if required by the utility provider. For electrical transformers with a footprint greater than 2 square feet in area, landscaping shall be provided where necessary to substantially screen the structure from public view and/or view of adjacent lots.
11. All electrical wires associated with the wind turbine shall be located underground or inside the monopole except for those necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the ground wiring.
12. Each wind turbine shall be equipped with both manual and automatic overspeed controls to limit the rotational speed of the blade within the design limits of the rotor. Manual electrical and/or overspeed shutdown disconnect switches shall be provided and clearly labeled on the turbine structure. No wind turbine shall be permitted that lacks an automatic braking, furling, or feathering system to prevent uncontrolled rotation, overspeeding and excessive pressure on the tower structure, rotor blades and turbine components.
13. The noise emitted from any wind turbine shall not exceed 55dbA as measured at the nearest property line, except during short-term events such as utility outages and sever winds.
14. No building permit for a wind turbine shall be issued until a copy of the utility company's approval for interconnection of a customer-owned generator has been provided. Off-grid systems are exempt from this notice.
15. Any wind turbine that is not operated for energy production for a continuous period of 12 months shall be considered abandoned, and the owner of the turbine shall remove it within 90 days of receipt of a notice from the City. If the turbine is not removed within 90 days, the city may remove the turbine at the owner's expense. Any wind turbine, functional or abandoned/inoperable, which is determined to be a public safety risk may be ordered to be removed by the owner. In the event that the owner does not remove the turbine in a timely manner, the City may have the turbine removed, with costs billed to the property owner as a lien against the property.

19.50.020. Geothermal Energy.

- A. **Site Plan Approval.** Geothermal energy installations are permitted with a site plan, approved by Staff, including all buildings, property lines, and location of pipes and other elements of the system. The site plan shall include a description of the system, the type, model, and brand of the system, and the contractor installing the system. A building permit will also be required, but may be incorporated into the permit of any other building being constructed associated with the

**Prairie Village Zoning Ordinance Updates
Renewable Energy – Final Draft 9/16/19**

system. Staff may require additional information if it is necessary to fully evaluate the site plan or building permit.

19.50.030. Definitions

“Geothermal Energy” means energy that is stored in the Earth.

“Solar access” means access to the envelope of air space exposed to the face of any solar energy system through which the sun passes and which allows the solar energy system to function. Such access is necessary to any solar energy system.

“Horizontal-axis wind turbine” means the main rotor shaft of the turbine is oriented horizontally. This type of turbine must be pointed into the wind.

“Meteorological tower” means a tower separate from a wind turbine designed to support the gathering of wind energy resource data. A meteorological tower shall include the tower, anemometers, wind direction vanes, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics at a given location.

“Roof-mounted wind turbine” means a turbine system mounted to the roof of a building.

"Solar air space envelope" means that volume of air space whose lower limits are defined by a plane sloping upward to the south at an angle of twenty-two (22) degrees from the horizontal plane, measured from the bottom of the solar collector system and whose lateral limits are defined by planes which correspond to the direct rays of the sun on each end (east and west) of the solar collector system at 0900 and 1600 solar time from September 21 through April 21.

"Solar collector" means both passive and active systems. An active collector shall include panels designed to collect and transfer solar energy into heated water, air or electricity. Passive collectors shall include windows and window walls, which admit solar rays to obtain direct heat or to obtain heat for storage. Such windows and window walls of passive systems may extend to ground level. Greenhouses, atriums, and solariums are included in this definition.

"Solar easement" means an easement arising by agreement between property owners and establishing the solar air space envelope within which building and vegetation obstructions are prohibited.

“Wind Turbine” means any machine designed for the purpose of converting wind energy into electrical energy. Wind turbine shall include all parts of the system, including the tower and turbine composed of the blades and rotor.

“Vertical-axis wind turbine” means the main rotor shaft of the turbine is arranged vertically and does not have to be pointed into the wind.

Prairie Village Uses Table, SUP & CUP Amendments

Table 19-## Allowed Uses										
■ = use is generally permitted, subject to general zoning district development and design standards. □ = use requires site plan review by Planning Commission, and may have use-specific standards per Section 19.30 ○ = use requires Special Use Permit and discretionary review by Planning Commission and City Council per Section 19.32										
Uses	R-1A	R-1B	R-2	R-3	R-4	C-0	C-1	C-2	C-3	MXD
Residential Uses										
Single family dwellings	■	■	■	■		■				
Two-family dwellings			■	■		■				
Garden Apartment Building or Apartment House				■		■				
Condominium					■					
Nursing and convalescent home	○	○	○	○	○	○	○	○		
Group home	■	■	■	■		■				
Civic Uses										
Golf courses (not mini-golf or commercial driving range)	■	■	■	■		■				
Public parks and rec areas	■	■	■	■	■	■	■	■		
Assembly – Small (under 350 / under 5 ac.)	■	■	■	■	■	■	■	■		
Assembly – Medium (351 to 700 / 5 – 10 ac.)	○	○	■	■	■	■	■	■		
Assembly – Large (701 + / over 10 ac.)							○	○		
City hall, police, fire stations	■	■	■	■		■	■	■		
Public libraries, museums, art galleries	■	■	■	■		■	■	■		
Public schools, college and university centers operated by local district or state	■	■	■	■		■	■	■		
Private schools	○	○	○	○	○	○	○	○		
Country clubs/private clubs w/ food/alcohol	○	○	○	○	○	○	○	○		
Cemeteries	○	○	○	○	○	○	○	○		
Columbarium	○	○	○	○	○	○	○	○		
Hospital								○		
Commercial Uses										
Retail – Micro (under 1.5K)						■	■	■		
Retail – Small (1.5 – 5K)						○	■	■		
Retail – General (5K – 20K)							○	■		
Retail – Large (20K-80K)								■		
Retail – Warehouse (80K+)								○		
Retail - Drive through food and beverage							○	○		
Retail -Outdoor Sales and Services								○		
Office – Small (under 10K)						■	■	■		
Office – General (10K – 100K)						■		■		
Office – Large (over 100K)								○		
Personal Service – Small (under 5K s.f.)						■	■	■		
Personal Service – General (5K – 20K s.f.)						■	○	■		
Personal Service – Large (more than 20K s.f.)								■		
Animal Care – Veterinary Office						○	■	■		
Animal Care – Pet Daycare							○	■		
Animal Care – Animal Hospital								■		
Animal Care – Boarding (non-accessory / non-medical)							○	○		
Bed and Breakfast						■				
Day Care Centers	○	○	○	○	○	■	■	■		
Nursery sales office / greenhouse (wholesale or retail)							○	○		
Service Stations (non-car wash)							○	○		
Car wash (w/ or w/o service station)							○	○		
Skating rinks / commercial recreation							○	○		

No specific uses permitted. C-3 is a planned commercial district and uses shall be specified based on a development plan, however should be based on combinations of the permitted uses in the C-0, C-2 and C-2 districts

No specific uses permitted. MXD is a planned mixed-use district and uses shall be specified based on a development plan, however should be based on combinations of the permitted uses in the R-3, C-0, C-2 and C-2 districts

Table 19-## Allowed Uses										
■ = use is generally permitted, subject to general zoning district development and design standards. □ = use requires site plan review by Planning Commission, and may have use-specific standards per Section 19.30 ○ = use requires Special Use Permit and discretionary review by Planning Commission and City Council per Section 19.32										
Uses	R-1A	R-1B	R-2	R-3	R-4	C-0	C-1	C-2	C-3	MXD
Mortuary / Funeral Home						○	○	○		
Bar / Night Club							○	○		
Utility storage Buildings (non residential)						○	○	○		

Definitions to be added / removed

[add] *Assembly.* A civic or institutional use designed to serve the community for regular or periodic events, including worship, civic, recreation or entertainment. For the purposes of the use table and enabling assembly uses in zoning districts, the use is further refined by scale, intensity and format to promote compatibility with other uses and development patterns

- *Assembly – Small (under 350/ under 3 ac.).* A place of public assembly designed and located to serve immediately adjacent uses, and typically designed for less than 350 people and typically situated on less than 5 acres. Examples include small neighborhood association clubhouse or meeting room, or small religious facility.
- *Assembly – Medium (351-700 / 5-10 ac.).* Places of public assembly designed and located to serve community or civic needs for residents of nearby neighborhood(s), and typically designed for between 351 and 700 people or situated on 5 to 10 acres. Examples include a neighborhood association recreation center, larger meeting hall, or medium religious facility.
- *Assembly – Large (751+ / 10+ ac.).* of public assembly designed and located to serve community or civic needs of a wide area, and typically designed for 701 or more people or situated on 10 or more acres. Examples include a community/recreation center, event venues, or large religious facility.

[add] *Retail.* A commercial use primarily engaged in the sale, lease or rental of products to the general public with frequent interaction of patrons or consumers on premises. For the purposes of the use table and enabling retail uses in zoning districts, use is further refined by scale, intensity and format to promote compatibility with other uses and development patterns

- *Retail – Micro –* A retail use under 1,500 square feet.
- *Retail – Small.* A retail use at least 1,500 but less than 5,000 square feet.
- *Retail – General.* A retail use at least 5,000 but less than 20,000 square feet.
- *Retail – Large.* A large-scale retail use at least 20,000 but less than 80,000 square feet.
- *Retail – Warehouse.* A large-scale retail use at least 80,000 square feet.
- *Retail – Drive-through Food and Beverage.* A retail use serving food or beverages where a portion of the operations use facilities where food is ordered or delivered to customers in vehicles.
- *Retail – Outdoor Sales and Services.* A specific retail use where a portion of business is associated with services or merchandise that is displayed, weather seasonally or permanently. Examples include a garden center, machine or equipment yard, nursery. This does not include accessory outdoor sales and display areas which may be permitted as an accessory use to an otherwise permitted use or may be permitted through a conditional or temporary use permit.

[add] *Office.* A commercial use focused on employment and engaged in the administrative, technical, or management aspect of business or professional services, that typically do not have frequent or unscheduled on premise interaction with the public or clients. For the purposes of the use table and enabling retail uses in zoning districts, use is further refined by scale, intensity and format to promote compatibility with other uses and development patterns.

- *Office – Small (under 10K).* An office use with a building less than 10,000 square feet.
- *Office – General (10K – 100K).* An office use with a building or group of buildings between 10,000 and 100,000 square feet

- *Office – Large. (100K +).* An office use with a building or groupd or buildings over 100,000 square feet.

[add] *Personal Service.* A use engaged in the business of providing personal or professional services to the public that may include frequent or unscheduled interaction with clients or customers on-premises. Examples include barbershop or beauty saloon, travel agency, fitness center, health care offices, small equipment repair, tailor, bank or personal financial services. .For the purposes of the use table and enabling retail uses in zoning districts, use is further refined by scale, intensity and format to promote compatibility with other uses and development patterns.

- *Personal Service – Small (under 5K).* A personal service use occupying under 5,000 square feet.
- *Personal Service – General (5 – 20K).* A personal service use occupying between 5.00- and 20,000 square feet.
- *Personal Service – Large (10K +).* A personal service use occupying more than 10,000 square feet.

[remove] Wellness Center

[add] *Animal Care.* A personal service use offering care for domestic animals and pets. For the purposes of the use table and enabling retail uses in zoning districts, use is further refined by scale, intensity and format to promote compatibility with other uses and development patterns.

- *Animal Care – Veterinary Office.* A small office (under 5,000 square feet)offering provisional medical care for animals, and where any boarding is only accessory to the medical care and to provide observation or continued medical treatment to animals.
- *Animal Care – Pet Daycare & Services.* A facility that provides care and non-medical services for pets, including daycare, grooming, play, but offers no overnight boarding.
- *Animal Care – Animal Hospital.* A medium or large office (5,000 square feet or more) offering professional medical care for animals, and where boarding is only accessory to the metical care and to provide observation or continued medical treatment to animals.
- *Animal Care – Boarding (non-accessory / non-medical).* A facility that offers overnight boarding for domestic animals and pets, unrelated to any medical care.

Replace Chapter 19.30 Conditional Use Permits with the following:

19.30.005 Purpose and Intent.

The intent of conditional use permits is to ensure that specific uses, specific formats of uses, or site and building design elements of specific uses have an elevated site plan review to ensure that it is sited and operated in a compatible manner with the specific context. This review process provides an elevated site plan review for situations we expect to be compatible with the zoning district, but where administrative judgment is reserved and conditioned on a specific site plan. Approvals may be specific conditions that the use or site element must meet, elevated scrutiny of the general site plan criteria for the particular use or site, or limited time periods where performance and operation of the proposed plan may be reevaluated periodically.

19.30.010. Applicability.

The conditional use permit process applies to any uses identified as a Conditional Use in the use table in Appendix ##, as well as any use or site element listed in section 19.30.### that has specific conditions to be applied on a case by case basis.

19.30.020. Procedure.

The process for a conditional use permit shall be the same as a site plan provided in Chapter 19.32

19.30.030. Criteria.

In making a decision on a conditional use permit and site plan, the Planning Commission shall evaluate the following criteria that are relevant to the request:

- A. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitations;
- B. The proposed conditional use meets any specific standards or limitations for the particular use listed in this ordinance.
- C. The proposed conditional use meets all of the site plan review criteria in 19.32.030.
- D. The proposed conditional use at the specified location is adequately planned, designed, located and limited to not cause any impacts on the character of the area, the public streetscape or adjacent property, different from any other permitted use.
- E. In meeting these criteria the Planning Commission may place additional conditions that it deems appropriate to ensure that the criteria are met based on the particular context, site or plan.

19.30.040. Effect of Decision.

In deciding on a conditional use permit the Planning Commission may:

- A. Approve the application based upon the proposed site plan.
- B. Approve the application based upon additional conditions to the proposed site plan, or any additional limitations on the design or operations of the proposed use
- C. Deny the application, and state specific circumstances that make the use or design incompatible with that site.
- D. In approving any application the Planning Commission may place a reasonable time limit on the permit. The reasonableness of any time limit shall be balanced based on the level of initial investment in the use, the potential for any conflicts or changes in impacts over time, and the need for periodic review to ensure conformance with the site plan and any other conditions.
- E. Conditional use permits may be assigned, conveyed or transferred to another owner or operator, subject to a signed statement by the new owner or operator that they will abide by all conditions of the approval.
- F. Appeal of a decision on a conditional use permit may be made by the applicant, a government official or agency impacted by the decision, or any person aggrieved by the decision where detrimental effects on a property or business interest may be shown. Appeals shall be filed with the City Clerk within 15 days of the Planning Commission Decision. Appeals will be heard by the City Council at its next regular scheduled meeting. The City Council shall consider the appeal under the same procedures and criteria of the Planning Commission, and the City Council may make any decision that was available to the Planning Commission, except that it must find a clear error by the Planning Commission in applying the facts to the criteria in order to over-ride the decision.

19.30.050 Specifically Listed Conditional Uses [Same as current 19.30.055 except modified C. and F.]

The following uses may be permitted by conditional use permit:

- A. Temporary use of land for commercial or industrial purposes; provided that any building or structure constructed thereon which is not otherwise permitted in the district in which such land is situated, and any stored equipment or material shall be removed upon the date of expiration of the conditional use permit, which permit shall be valid for not more than two years.
- B. Off-street parking lots and parking structures;
- C. Drive-up services for non-food businesses, may be approved in C-O, C-1, or C-2 by a conditional use permit provided the following criteria are met:
 1. The service area and any circulation or stacking areas is designed and located in a way that minimizes impacts on any adjacent residential uses. This may include locating the service area at a remote part of the site, using enhanced screening and buffering of service areas, limiting the hours of operation and anticipated peak times of the operations, or demonstrating other operational or technical controls that will clearly meet the City's noise ordinance standards.
 2. The access and circulation does not present any disruption to surrounding traffic patterns in the street, any pedestrian access points to the site or along the streetscape beyond ordinary vehicular access.

3. No food or beverage services is permitted. Drive-through retail food and beverage services require a special use permit according to the procedures and criteria in Section 19.28.
- D. Satellite dish antennas, with a diameter of one meter or greater and those not permitted in Section 19.34.040 (D); and non commercial transmitting and receiving antennas and towers; (Ord. 1899, Sec. I, 1996; Ord. 1909, Sec. I, 1997; Ord. 2249, Sec. III, 2012)
- E. Property Maintenance Facilities. Buildings, structures and premises for property maintenance facilities, and uses;
- F. Limited Outdoor Sales and Services - The limited display of merchandise or services on a sidewalk or an exterior private area of a site associated with the otherwise permitted non-residential use and building. The merchandise display or services s further limited by the following, unless otherwise:
 1. it only occurs during business hours;
 2. all merchandise or equipment other than furniture associated with customer seating is removed from the site and brought indoors during non-business hours; and
 3. the display or service area is designed in a manner that is incidental to or integrates with the building and other site design elements in a manner that minimizes potential impacts on adjacent property.
- G. Utility boxes that have a footprint larger than twelve (12) square feet in area, a pad greater than 2.5 times the area of the utility box footprint or greater than 32 square feet; or have a height of more than fifty-six (56) inches. (Ord. 2029 Sec. IV, 2002; Ord. 2225, Sec. III, 2010) **[confirm w/ ROW & Cell updates...]**

SUP Changes (19.28.070)

- H. **[Change "Assembly Hall" to "Assembly" (to match use table) and add:** "Where assembly uses are listed as a Special use in certain districts, the application should be reviewed particularly in regard to
 1. The intensity of the use in terms of activity and noise;
 2. The scale of the building and associated site elements compared to patterns in the area;
 3. Potential impacts of the use on adjacent property from anticipated operations and activities; and
 4. The benefits of the use to other permitted uses in the district compared with the potential detriment of the use character of the area.
- R. Utility or Storage Buildings **[delete per note in the table and allow accessory building standards to control in residential districts, and general building and site design review to control in non-residential]**
- U. **(add retail)** Retail: Where retail uses are listed as a Special use in certain districts, the application should be reviewed particularly in regard to:
 1. The intensity of the use in terms of activity and noise;
 2. The scale of the building and associated site elements compared to patterns in the area;
 3. Potential impacts of the use on adjacent property from anticipated operations and activities; and
 4. The benefits of the use to other permitted uses in the district compared with the potential detriment of the use character of the area.

Use Sections (19.06.010, 19.08.005, 19.10.005, 19.12.005, 19.16.005, 19.18.005, 19.20.005, 19.22.010, 19.23.010)

[Replace all use list in districts with the following statement deferring to the table.]

Permitted uses in this district are specified in **Table 19-##** in **Appendix #**. They are ether generally allowed, allowed by conditional permit review, or by special use permit. In addition, accessory uses may be permitted subject to Chapter 19.34.

ORDINANCE NO. 2407

AN ORDINANCE AMENDING THE CITY OF PRAIRIE VILLAGE, KANSAS ZONING REGULATIONS APPLICABLE TO SIGNS, ALTERNATIVE ENERGY SYSTEMS, SPECIAL USE AND CONDITIONAL USE PERMITS, WIRELESS FACILITIES, COMMERCIAL LANDSCAPING, SITE PLAN REVIEW CRITERIA, AND OTHER MINOR CLARIFICATIONS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS:

Section I.

Chapter 19.02 of the Prairie Village Municipal Code, entitled "Definitions" is hereby amended by removing Section 19.02.505 "Wellness Center" and adding new Section 19.02.028 "Animal Care," new Section 19.02.047 "Assembly," new Section 19.02.397 "Office," new Section 19.02.407 "Personal Service," and new Section 19.02.417 "Retail" to read as follows:

19.02.028 Animal Care

"Animal Care" means a Personal Service use offering care for domestic animals and pets. For the purposes of the use table and enabling retail uses in zoning districts, use is further refined by scale, intensity, and format to promote compatibility with other uses and development patterns:

- *Animal Care – Veterinary Office.* A small office (under 5,000 square feet) offering provisional medical care for animals, and where any boarding is only accessory to the medical care and to provide observation or continued medical treatment to animals.
- *Animal Care – Pet Daycare & Services.* A facility that provides care and non-medical services for pets, including daycare, grooming, and play, but offers no overnight boarding.
- *Animal Care – Animal Hospital.* A medium or large office (5,000 square feet or more) offering professional medical care for animals, where boarding is only accessory to the medical care and to provide observation or continued medical treatment to animals.
- *Animal Care – Boarding (non-accessory/non-medical).* A facility that offers overnight boarding for domestic animals and pets, unrelated to any medical care.

19.02.047 Assembly

"Assembly" means a civic or institutional use designed to serve the community for regular or periodic events, including worship, civic, recreation, or entertainment. For the purposes of the use table and enabling assembly uses in zoning districts, the use is further refined by scale, intensity, and format to promote compatibility with other uses and development patterns:

- *Assembly – Small* (under 350 people/under 5 acres). A place of public assembly designed and located to serve immediately adjacent uses, and typically designed for fewer than 350 people and typically situated on less than 5 acres. Examples include a small neighborhood association clubhouse or meeting room, or small religious facility.
- *Assembly – Medium* (351 – 700 people/5-10 acres). Places of public assembly designed and located to serve community or civic needs for residents of nearby neighborhood(s), and typically designed for between 351-700 people or situated on 5-10 acres. Examples include a neighborhood association recreation center, larger meeting hall, or medium religious facility.
- *Assembly – Large* (751 people or more/greater than 10 acres). Places of public assembly designed and located to serve community or civic needs of a wide area, and typically designed for 701 or more people or situated in 10 or more acres. Examples include a community/recreation center, event venues, or a large religious facility.

19.02.397 Office

“Office” means a commercial use focused on employment and engaged in the administrative, technical, or unscheduled on-premise interaction with the public or clients. For the purposes of the use table and enabling retail uses in zoning districts, use is further refined by scale, intensity, and format to promote compatibility with other uses and development patterns:

- *Office – Small* (under 10,000 square feet). An office use with a building occupying under 10,000 square feet.
- *Office – General* (10,000 – 100,000 square feet). An office use with a building or group of buildings between 10,000 and 100,000 square feet.
- *Office – Large* (greater than 20,000 square feet). An office use with a building or group of buildings over 20,000 square feet.

19.02.407 Personal Service

“Personal Service” means a use engaged in the business of providing personal or professional services to the public that may include frequent or unscheduled interaction with clients or customers on-premises. Examples include a barbershop or beauty salon, travel agency, fitness center, health care offices, small equipment repair, tailor, bank, or personal financial services. For the purposes of the use table and enabling retail uses in zoning districts, use is further refined by scale, intensity, and format to promote compatibility with other uses and development patterns:

- *Personal Service – Small* (under 5,000 square feet). A personal service use occupying under 5,000 square feet.
- *Personal Service – General* (5,000 – 20,000 square feet). A personal service use occupying 5,000 to 20,000 square feet.
- *Personal Service – Large* (greater than 20,000 square feet). A personal service use occupying more than 20,000 square feet.

19.02.417 Retail

“Retail” means a commercial use primarily engaged in the sale, lease, or rental of products to the general public with frequent interaction of patrons or consumers on premises. For the purposes of the use table and enabling retail uses in zoning districts, use is further refined by scale, intensity, and format to promote compatibility with other uses and development patterns:

- *Retail – Micro.* A retail use under 1,500 square feet.
- *Retail – Small.* A retail use at least 1,500 but less than 5,000 square feet.
- *Retail – General.* A retail use at least 5,000 but less than 20,000 square feet.
- *Retail – Large.* A large-scale retail use at least 20,000 but less than 80,000 square feet.
- *Retail – Warehouse.* A large-scale retail use at least 80,000 square feet.
- *Retail - Drive-through Food and Beverage.* A retail use serving food or beverages where a portion of the operations use facilities where food is ordered or delivered to customers in vehicles.
- *Retail – Outdoor Sales and Services.* A specific retail use where a portion of business is associated with services or merchandise that is displayed, whether seasonally or permanently. Examples include a garden center, machine or equipment yard, or nursery. This does not include accessory outdoor sales and display areas which may be permitted as an accessory use to an otherwise permitted use or may be permitted through a conditional or temporary use permit.

Section II.

Chapter 19.06 of the Prairie Village Municipal Code, entitled “District R-1A Single Family Residential” is hereby amended by amending Section 19.06.010 “Use Regulations” and 19.06.025 “Neighborhood Design Standards” to read as follows:

19.06.010 Use Regulations

Permitted uses in this district are specified in Chapter 19.27 “Zoning Districts and Uses.” They are either generally allowed, allowed by conditional use permit review, or by special use permit. In addition, accessory uses may be permitted subject to Chapter 19.34.

19.06.025 Neighborhood Design Standards

- A. **Design Objectives.** The design objectives of the Neighborhood Design Standards are to:
1. Maintain and enhance the unique character of Prairie Village neighborhoods.
 2. Promote building and site design that enhances neighborhood streetscapes.

3. Reinforce the existing scale and patterns of buildings in neighborhoods for new construction.
4. Manage the relationship of adjacent buildings and promote compatible transitions.
5. Enhance the quality, aesthetic character and visual interest within neighborhoods by breaking down larger masses and incorporating human scale details and ornamentation.
6. Locate and orient buildings to maintain the existing grade of the street, block, and lot frontages, and design them in a manner that reduces the perceived massing from the streetscape and abutting lots.

B. **Applicability.** These Neighborhood Design Standards shall be applicable to the following situations:

1. Any new residential structure.
2. Construction activity that adds more than 200 square feet of building footprint to an existing residential structure.
3. Construction activity that alters the form or massing of the front elevation or roof of a residential structure.
4. Any future development activity of any scale on property that has been subject to paragraphs 1., 2, or 3. above.

With the exception of the frontage tree standards, the neighborhood design standards shall only apply to the extent of the proposed construction activity, and any portion of a building or site that does not conform to these standards but is existing and not part of the application may remain.

C. **Landscape and Frontage Design.** The following landscape and frontage design standards promote the character and quality of streetscapes, improve the relationship of lots and buildings to the streetscape, and provide natural elements and green space to compliment development.

1. *Frontage Trees.* All lots shall have at least one frontage tree. Lots with over 80 feet of street frontage shall have at least one tree per 50 feet to maintain an average spacing between 30 and 50 feet along the streetscape.
 - a. Existing street trees or private trees within the first 20 feet of the front lot line may count to this requirement provided the tree is healthy, and is protected from any damage during construction activity.

- b. Frontage trees shall be selected from the latest version of the approved tree list officially adopted by the Tree Board.
 - c. Frontage trees shall be at least 2-inch caliper at planting.
 - d. Frontage trees shall be located in line with other trees on the block to create a rhythm along the streetscape and enclosure of the tree canopy. In the absence of a clearly established line on the block, the following locations shall be used, where applicable:
 - (1) Street trees center between the sidewalk and curb where at least 6 feet of landscape area exists;
 - (2) Street trees 4 feet to 8 feet from the back of curb where no sidewalk exists; or
 - (3) Private frontage trees within the first 5 feet of the front lot line where any constraints in the right-of-way or on the lot would prevent other preferred locations.
 - e. Planting of any frontage trees in the right-of-way shall be coordinated with Public Works for permits, location, and planting specifications.
 - f. Planting of all frontage trees may be deferred for up to 6 months from completion of any site or right-of-way construction, through the site plan approval or Public Works right-of-way permit process, to allow for timely planting that ensures the health and survival of trees.
2. *Green Space.* Lots shall maintain at least 60% of the lot between the front building line and the front lot line as green space - permeable areas planted with trees, shrubs, vegetative ground cover, or ornamental plants.
- a. Exceptions. Any lot less than 70 feet wide and fronting on a collector or arterial street as designated in Section 13-203 of the City Code may reduce the frontage greenspace to 50% to allow for safe access and parking, provided the total lot impervious surface limit is maintained.

D. **Building Massing.** The following massing standards breakdown the volume of the buildable area and height into smaller scale masses to improve the relationship of the building to the lot, to adjacent buildings and to the streetscape, and shall apply in addition to the basic setback and height standards.

1. *Windows and Entrances.* All elevations shall have window and door openings covering at least:

- a. 15% on front elevation or any street facing side elevation; and
- b. 8% on other side elevations; and
- c. 15% on rear elevations.

Any molding or architectural details integrated with the window or door opening may count for up to 3% of this percentage requirement.

2. *Wall Planes:* Wall planes shall have varied massing by:

a. Wall planes over 500 square feet shall have architectural details that break the plane into distinct masses of at least 20% of the wall plane.

Architectural details may include:

- (1) Projecting windows, bays or other ornamental architectural details with offsets of a minimum of 1.5 feet.
- (2) Off-sets of the building mass such as step backs or cantilevers of at least 2 feet.
- (3) Single-story front entry features such as stoops, porticos or porches.
- (4) No projections shall exceed the setback encroachment limits of Section 19.44.020.

b. No elevation along the side lot line shall be greater than 800 square feet without at least 4 feet additional setback on at least 25% of the elevation.

3. *Garage Limits.* The following garage door standards maintain a human scale for front facades, create a relationship between the façade and the streetscape, and limit the expression of the garage as the primary feature at the building frontage.

a. Garage doors shall not exceed more than 9 feet wide for single bays, or 18 feet wide for double bays, and 8 feet, 2 inches high.

b. Garages expressed as a separate mass on the front elevation shall be limited based on the width of the front facade as follows:

Table 19.06 B – Garage Mass Limits	
Front Facade Width	Maximum width of garage mass
<i>Under 48'</i>	50% of elevation
<i>48' to 60'</i>	24'
<i>Over 60'</i>	40% of elevation

- c. Any lot or building configuration that permits more than two front garage entries shall require at least one of them to be off-set by at least 2 feet, or require side orientation of the garage entrances.
- d. Front-loaded garage wall planes shall be limited based on its position in relation to the main mass as follows:

Table 19.06 C – Garage Placement Limits	
Placement in relation to main mass	Mass / wall plane limits
<i>In front up to 4'</i>	Front wall plane for the garage mass shall be limited to 360 s.f. max.
<i>More than 4' but less than 12' in front</i>	Overall wall planes for the garage mass shall be limited to 360 s.f.; The wall planes with the garage door shall be limited to 216 s.f. max; Any upper level gables, dormers or other wall planes shall cantilever or be offset at least 2' from the garage door plane; A front entry feature shall be established along at least 12' of the front elevation, and in front of or no more than 4' behind the garage entry.
<i>12' or more in front</i>	Prohibited, unless side oriented doors. Then, subject to a wall plane limit of no more than 360 square feet.
<i>All others (flush or setback from the main mass)</i>	Limited to same standards as main mass in Section D.2. (i.e. 500 s.f. max elevations)

- e. On corner lots, an attached garage constructed as an integral part of the principal structure may have a minimum rear setback of 18 feet, provided the driveway entrance is off the side street, the garage is setback at least 25 feet from the side lot line, and the footprint of the garage is no more than 576 square feet.

E. Building Foundations.

1. New residential structures shall establish the top of foundation between 6 inches and 24 inches above the finished grade along the front facade.
2. No new residential structure may be built with a top of foundation more than 12 inches higher than the top of foundation of a previous existing home, or the height allowed by sub-sections 1., whichever is less.

3. New residential structures or additions may raise the top of foundation an additional 6 inches for every additional 5 feet over the minimum side setback that the building sets back from both side property lines, up to 36 inches above the finished grade along the front facade.
4. Any elevation that has more than 24 inches of foundation exposed due to grade changes shall cover the foundation by extending the siding to within 24 inches of finished grade, or by covering the foundation with decorative materials such as stone or brick that compliments the principal materials of the building.
5. New residential structures or additions not meeting paragraphs 1. through 3. above shall be submitted to the Planning Commission for review. The Planning Commission may grant an exception based on the following criteria:
 - a. The design of the building elevations, and, specifically any design details that reduce the scale and massing of the building compared to what could otherwise be built under the zoning standards.
 - b. The relationship of the proposed dwelling to existing structures, and whether their grading, elevation, and design is appropriate for the context.
 - c. Any special considerations of the lot with respect to existing grades, proposed appropriate grades and the drainage patterns in relation to adjacent properties and the proposed structure.

F. **Exceptions.** The Planning Commission may grant exceptions to the Neighborhood Design Standards in this section 19.06.025 through the site plan review process, based upon the following criteria:

1. The exception shall only apply to the design standards in this section, and not be granted to allow something that is specifically prohibited in other regulations;
2. Any exception dealing with the placement of the building is consistent with sound planning, urban design and engineering practices when considering the site and its context within the neighborhood.
3. The placement and orientation of the main mass, accessory elements, garages and driveways considers the

high points and low points of the grade and locates them in such a way to minimize the perceived massing of the building from the streetscape and abutting lots.

4. Any exception affecting the design and massing of the building is consistent with the common characteristics of the architectural style selected for the building.
5. The requested exception improves the quality design of the building and site beyond what could be achieved by meeting the standards – primarily considering the character and building styles of the neighborhood and surrounding properties, the integrity of the architectural style of the proposed building, and the relationship of the internal functions of the building to the site, streetscape and adjacent property.
6. The exception will equally or better serve the design objectives stated in Section 19.06.025 A and the intent stated for the particular standard being altered.

19.06.050 Site Plan Approval and Public Notice

- A. All new buildings or structures and proposed expansions and enlargements of more than ten percent of the existing floor area of existing buildings except single family dwellings, group homes and residential design manufactured homes shall prepare and submit a site plan in accordance with Chapter 19.32 Site Plan Approval prior to the issuance of a building permit.
- B. Any teardown of an existing residential structure and any new principal residential structure on a vacant lot shall send notice to all property owners within 200 feet of the lot, excluding rights-of-way. Notice shall be sent by certified mail, return receipt requested, on a form provided by the City indicating the action requested, that plans are on file with the City for review, the contact information of the property owner, and the main contact for the proposed construction. The City shall not issue any permits until provided evidence that notice has been sent.
- C. If application is made for a building permit for a building or structure, which is not required to submit a site plan and whose architectural style or exterior materials in the opinion of the Building Official vary substantially from such style or materials which have been used in the neighborhood in which the building or structure is to be built, the plans and supporting information for such building or structure shall be submitted to the Planning

Commission for review and approval as to its compatibility with the surrounding neighborhood. This paragraph shall not apply to single-family dwellings, group homes and residential design manufactured homes.

Section III.

Chapter 19.08 of the Prairie Village Municipal Code, entitled “District R-1B Single Family Residential” is hereby amended by amending Section 19.08.005 “Use Regulations” and 19.08.025 “Neighborhood Design Standards” to read as follows:

19.08.005 Use Regulations

Permitted uses in this district are specified in Chapter 19.27 “Zoning Districts and Uses.” They are either generally allowed, allowed by conditional use permit review, or by special use permit. In addition, accessory uses may be permitted subject to Chapter 19.34.

19.08.025 Neighborhood Design Standards

A. **Design Objectives.** The design objectives of the Neighborhood Design Standards are to:

1. Maintain and enhance the unique character of Prairie Village neighborhoods.
2. Promote building and site design that enhances neighborhood streetscapes.
3. Reinforce the existing scale and patterns of buildings in neighborhoods for new construction.
4. Manage the relationship of adjacent buildings and promote compatible transitions.
5. Enhance the quality, aesthetic character and visual interest within neighborhoods by breaking down larger masses and incorporating human scale details and ornamentation.
6. Locate and orient buildings to maintain the existing grade of the street, block, and lot frontages, and design them in a manner that reduces the perceived massing from the streetscape and abutting lots.

B. **Applicability.** These Neighborhood Design Standards shall be applicable to the following situations:

1. Any new residential structure.
2. Construction activity that adds more than 200 square feet of building footprint to an existing residential structure.
3. Construction activity that alters the form or massing of the front elevation or roof of a residential structure.

4. Any future development activity of any scale on property that has been subject to paragraphs 1., 2, or 3. above.

With the exception of the frontage tree standards, the neighborhood design standards shall only apply to the extent of the proposed construction activity, and any portion of a building or site that does not conform to these standards but is existing and not part of the application may remain.

- C. Landscape and Frontage Design. The following landscape and frontage design standards promote the character and quality of streetscapes, improve the relationship of lots and buildings to the streetscape, and provide natural elements and green space to compliment development.

1. *Frontage Trees*. All lots shall have at least one frontage tree. Lots with over 80 feet of street frontage shall have at least one tree per 50 feet to maintain an average spacing between 30 and 50 feet along the streetscape.

- a. Existing street trees or private trees within the first 20 feet of the front lot line may count to this requirement provided the tree is healthy, and is protected from any damage during construction activity.

- b. Frontage trees shall be selected from the latest version of the approved tree list officially adopted by the Tree Board.

- c. Frontage trees shall be at least 2-inch caliper at planting.

- d. Frontage trees shall be located in line with other trees on the block to create a rhythm along the streetscape and enclosure of the tree canopy. In the absence of a clearly established line on the block, the following locations shall be used, where applicable:

- (1) Street trees center between the sidewalk and curb where at least 6 feet of landscape area exists;

- (2) Street trees 4 feet to 8 feet from the back of curb where no sidewalk exists; or

- (3) Private frontage trees within the first 5 feet of the front lot line where any

constraints in the right-of-way or on the lot would prevent other preferred locations.

- e. Planting of any frontage trees in the right-of-way shall be coordinated with Public Works for permits, location, and planting specifications.
- f. Planting of all frontage trees may be deferred for up to 6 months from completion of any site or right-of-way construction, through the site plan approval or Public Works right-of-way permit process, to allow for timely planting that ensures the health and survival of trees.

- 2. *Green Space.* Lots shall maintain at least 60% of the lot between the front building line and the front lot line as green space - permeable areas planted with trees, shrubs, vegetative ground cover, or ornamental plants.
 - a. Exceptions. Any lot less than 70 feet wide and fronting on a collector or arterial street as designated in Section 13-203 of the City Code may reduce the frontage greenspace to 50% to allow for safe access and parking, provided the total lot impervious surface limit is maintained.

D. **Building Massing.** The following massing standards breakdown the volume of the buildable area and height into smaller scale masses to improve the relationship of the building to the lot, to adjacent buildings and to the streetscape, and shall apply in addition to the basic setback and height standards.

- 1. *Windows and Entrances.* All elevations shall have window and door openings covering at least:
 - a. 15% on front elevations or any street facing side elevations; and
 - b. 8% on other side elevations; and
 - c. 15% on rear elevations.Any molding or architectural details integrated with the window or door opening may count for up to 3% of this percentage requirement.
- 2. *Wall Planes:* Wall planes shall have varied massing by:
 - a. Wall planes over 500 square feet shall have architectural details that break the plane into distinct masses of at least 20% of the wall plane. Architectural details may include:

- (1) Projecting windows, bays or other ornamental architectural details with offsets of a minimum of 1.5 feet.
 - (2) Off-sets of the building mass such as step backs or cantilevers of at least 2 feet.
 - (3) Single-story front entry features such as stoops, porticos or porches.
 - (4) No projections shall exceed the setback encroachment limits of Section 19.44.020.
- b. No elevation along the side lot line shall be greater than 800 square feet without at least 4 feet additional setback on at least 25% of the elevation.
3. *Garage Limits.* The following garage door standards maintain a human scale for front facades, create a relationship between the façade and the streetscape, and limit the expression of the garage as the primary feature at the building frontage.
- a. Garage doors shall not exceed more than 9 feet wide for single bays, or 18 feet wide for double bays, and 8 feet, 2 inches high.
 - b. Garages expressed as a separate mass on the front elevation shall be limited based on the width of the front facade as follows:

Table 19.08 B – Garage Mass Limits	
Front Facade Width	Maximum width of garage mass
<i>Under 48'</i>	50% of elevation
<i>48' to 60'</i>	24'
<i>Over 60'</i>	40% of elevation

- c. No more than 2 bays (2-single or 1 double door) shall be permitted on the front elevation. Any site or building configuration that permits three or more garage bays shall require side orientation or rear access for anything beyond 2 bays.
- d. Front-loaded garage wall planes shall be limited based on its position in relation to the main mass as follows

Table 19.08 C – Garage Placement Limits	
Placement in relation to main mass	Mass / wall plane limits
<i>In front up to 4'</i>	Front wall plane for the garage mass shall be limited to 360 s.f. max.

<i>More than 4' but less than 12' in front</i>	Overall wall planes for the garage mass shall be limited to 360 s.f.; The wall planes with the garage door shall be limited to 216 s.f. max.; Any upper level gables, dormers or other wall planes shall cantilever or be offset at least 2' from the garage door plane; A front entry feature shall be established along at least 12' of the front elevation, and in front of or no more than 4' behind the garage entry.
<i>12' or more in front</i>	Prohibited, unless side oriented doors. Then, subject to a wall plane limit of no more than 360 square feet.
<i>All others (flush or setback from the main mass)</i>	Limited to same standards as main mass in Section D.2. (i.e. 500 s.f. max elevations)

- e. On corner lots, an attached garage constructed as an integral part of the principal structure may have a minimum rear setback of 18 feet, provided the driveway entrance is off the side street, the garage is setback at least 25 feet from the side lot line, and the footprint of the garage is no more than 576 square feet.

E. Building Foundations.

1. New residential structures shall establish the top of foundation between 6 inches and 24 inches above the finished grade along the front facade.
2. No new residential structure may be built with a top of foundation more than 12 inches higher than the top of foundation of a previous existing home, or the height allowed by sub-sections 1., whichever is less.
3. New residential structures or additions may raise the top of foundation an additional 6 inches for every additional 5 feet over the minimum side setback that the building sets back from both side property lines, up to 36 inches above the finished grade along the front facade.
4. Any elevation that has more than 24 inches of foundation exposed due to grade changes shall cover the foundation by extending the siding to within 24 inches of finished grade, or by covering the foundation with decorative materials such as stone or brick that compliments the principal materials of the building.
5. New residential structures or additions not meeting paragraphs 1. through 3. above shall be submitted to the Planning Commission for review. The Planning

Commission may grant an exception based on the following criteria:

- a. The design of the building elevations, and, specifically any design details that reduce the scale and massing of the building compared to what could otherwise be built under the zoning standards.
- b. The relationship of the proposed dwelling to existing structures, and whether their grading, elevation, and design is appropriate for the context.
- c. Any special considerations of the lot with respect to existing grades, proposed appropriate grades and the drainage patterns in relation to adjacent properties and the proposed structure.

F. **Exceptions.** The Planning Commission may grant exceptions to the Neighborhood Design Standards in this section 19.08.025 through the site plan review process, based upon the following criteria:

1. The exception shall only apply to the design standards in this section, and not be granted to allow something that is specifically prohibited in other regulations;
2. Any exception dealing with the placement of the building is consistent with sound planning, urban design and engineering practices when considering the site and its context within the neighborhood.
3. The placement and orientation of the main mass, accessory elements, garages and driveways considers the high points and low points of the grade and locates them in such a way to minimize the perceived massing of the building from the streetscape and abutting lots.
4. Any exception affecting the design and massing of the building is consistent with the common characteristics of the architectural style selected for the building.
5. The requested exception improves the quality design of the building and site beyond what could be achieved by meeting the standards – primarily considering the character and building styles of the neighborhood and surrounding properties, the integrity of the architectural style of the proposed building, and the relationship of the internal functions of the building to the site, streetscape and adjacent property.

6. The exception will equally or better serve the design objectives stated in Section 19.08.025, A, and the intent stated for the particular standard being altered.

19.08.045 Site Plan Approval and Public Notice

- A. All new buildings or structures and proposed expansions and enlargements of more than ten percent of the existing floor area of existing buildings except single family dwellings, group homes and residential design manufactured homes shall prepare and submit a site plan in accordance with Chapter 19.32 Site Plan Approval prior to the issuance of a building permit.
- B. Any teardown of an existing residential structure and any new principal residential structure on a vacant lot shall send notice to all property owners within 200 feet of the lot, excluding rights-of-way. Notice shall be sent by certified mail, return receipt requested, on a form provided by the City indicating the action requested, that plans are on file with the City for review, the contact information of the property owner, and the main contact for the proposed construction. The City shall not issue any permits until provided evidence that notice has been sent.
- C. If application is made for a building permit for a building or structure, which is not required to submit a site plan and whose architectural style or exterior materials in the opinion of the Building Official vary substantially from such style or materials which have been used in the neighborhood in which the building or structure is to be built, the plans and supporting information for such building or structure shall be submitted to the Planning Commission for review and approval as to its compatibility with the surrounding neighborhood. This paragraph shall not apply to single-family dwellings, group homes and residential design manufactured homes.

Section IV.

Chapter 19.10 of the Prairie Village Municipal Code, entitled "District R-2 Two Family Residential District" is hereby amended by amending Section 19.10.005 "Use Regulations" to read as follows:

19.10.005 Use Regulations

Permitted uses in this district are specified in Chapter 19.27 "Zoning Districts and Uses." They are either generally allowed, allowed by conditional use permit review, or by special use permit. In addition, accessory uses may be permitted subject to Chapter 19.34.

Section V.

Chapter 19.12 of the Prairie Village Municipal Code, entitled “District R-3 Garden Apartment District” is hereby amended by amending Section 19.12.005 “Use Regulations” to read as follows:

19.12.005 Use Regulations

Permitted uses in this district are specified in Chapter 19.27 “Zoning Districts and Uses.” They are either generally allowed, allowed by conditional use permit review, or by special use permit. In addition, accessory uses may be permitted subject to Chapter 19.34.

Section VI.

Chapter 19.14 of the Prairie Village Municipal Code, entitled “District R-4 Condominium or Common Wall Dwelling District” is hereby amended by amending Section 19.14.005 “Use Regulations” to read as follows:

19.14.005 Use Regulations

Permitted uses in this district are specified in Chapter 19.27 “Zoning Districts and Uses.” They are either generally allowed, allowed by conditional use permit review, or by special use permit. In addition, accessory uses may be permitted subject to Chapter 19.34.

Section VII.

Chapter 19.16 of the Prairie Village Municipal Code, entitled “District C-O Office Building District” is hereby amended by amending Section 19.16.005 “Use Regulations” to read as follows:

19.16.005 Use Regulations

Permitted uses in this district are specified in Chapter 19.27 “Zoning Districts and Uses.” They are either generally allowed, allowed by conditional use permit review, or by special use permit. In addition, accessory uses may be permitted subject to Chapter 19.34.

Section VIII.

Chapter 19.18 of the Prairie Village Municipal Code, entitled “District C-1 Restricted Business District” is hereby amended by amending Section 19.18.005 “Use Regulations” to read as follows:

19.18.005 Use Regulations

Permitted uses in this district are specified in Chapter 19.27 “Zoning Districts and Uses.” They are either generally allowed, allowed by conditional use permit review, or by special use permit. In addition, accessory uses may be permitted subject to Chapter 19.34.

Section IX.

Chapter 19.20 of the Prairie Village Municipal Code, entitled “District C-2 General Business District” is hereby amended by amending Section 19.20.005 “Use Regulations” to read as follows:

19.20.005 Use Regulations

Permitted uses in this district are specified in Chapter 19.27 “Zoning Districts and Uses.” They are either generally allowed, allowed by conditional use permit review, or by special use permit. In addition, accessory uses may be permitted subject to Chapter 19.34.

Section X.

Chapter 19.22 of the Prairie Village Municipal Code, entitled “District C-3 Special Use Business District” is hereby amended by amending Section 19.22.010 “Use Regulations” to read as follows:

19.22.010 Use Regulations

Permitted uses in this district are specified in Chapter 19.27 “Zoning Districts and Uses.” They are either generally allowed, allowed by conditional use permit review, or by special use permit. In addition, accessory uses may be permitted subject to Chapter 19.34.

Section XI.

Chapter 19.23 of the Prairie Village Municipal Code, entitled “MXD Planned Mixed Use District” is hereby amended by amending Section 19.23.010 “Use Regulations” to read as follows:

19.23.010 Use Regulations

Permitted uses in this district are specified in Chapter 19.27 “Zoning Districts and Uses.” They are either generally allowed, allowed by conditional use permit review, or by special use permit. In addition, accessory uses may be permitted subject to Chapter 19.34.

Section XI.

Chapter 19.27 of the Prairie Village Municipal Code, entitled “Zoning Districts and Uses” is hereby created to read as follows:

19.27.010 Allowed Uses

Table 19.27: Allowed Uses										
■ = use is generally permitted, subject to general zoning district development and design standards. □ = use requires site plan review by Planning Commission, and may have use-specific standards per Section 19.30 ○ = use requires Special Use Permit and discretionary review by Planning Commission and City Council per Section 19.32										
Uses	R-1A	R-1B	R-2	R-3	R-4	C-0	C-1	C-2	C-3	MXD
Residential Uses										
Single family dwellings	■	■	■	■		■			No specific uses permitted. C-3 is a planned commercial district and uses shall be	No specific uses permitted. MXD is a planned mixed-use
Two-family dwellings			■	■		■				
Garden Apartment Building or Apartment House				■		■				
Condominium					■					
Nursing and convalescent home	○	○	○	○	○	○	○	○		
Group home	■	■	■	■		■				
Civic Uses										
Golf courses (not mini-golf or commercial driving range)	■	■	■	■		■				

Table 19.27: Allowed Uses										
■ = use is generally permitted, subject to general zoning district development and design standards. □ = use requires site plan review by Planning Commission, and may have use-specific standards per Section 19.30 ○ = use requires Special Use Permit and discretionary review by Planning Commission and City Council per Section 19.32										
Uses	R-1A	R-1B	R-2	R-3	R-4	C-0	C-1	C-2	C-3	MXD
Public parks and rec areas	■	■	■	■	■	■	■	■		
Assembly – Small (under 350 / under 5 ac.)	■	■	■	■	■	■	■	■		
Assembly – Medium (351 to 700 / 5 – 10 ac.)	○	○	■	■	■	■	■	■		
Assembly – Large (701 + / over 10 ac.)							○	○		
City hall, police, fire stations	■	■	■	■		■	■	■		
Public libraries, museums, art galleries	■	■	■	■		■	■	■		
Public schools, college and university centers operated by local district or state	■	■	■	■		■	■	■		
Private schools	○	○	○	○	○	○	○	○		
Country clubs/private clubs w/ food/alcohol	○	○	○	○	○	○	○	○		
Cemeteries	○	○	○	○	○	○	○	○		
Columbarium	○	○	○	○	○	○	○	○		
Hospital								○		
Commercial Uses										
Retail – Micro (under 1.5K)						■	■	■		
Retail – Small (1.5 – 5K)						○	■	■		
Retail – General (5K – 20K)							○	■		
Retail – Large (20K-80K)								■		
Retail – Warehouse (80K+)								○		
Retail - Drive through food and beverage							○	○		
Retail -Outdoor Sales and Services								○		
Office – Small (under 10K)						■	■	■		
Office – General (10K – 100K)						■		■		
Office – Large (over 100K)								○		
Personal Service – Small (under 5K s.f.)						■	■	■		
Personal Service – General (5K – 20K s.f.)						■	○	■		
Personal Service – Large (more than 20K s.f.)								■		
Animal Care – Veterinary Office						○	■	■		
Animal Care – Pet Daycare							○	■		
Animal Care – Animal Hospital								■		
Animal Care – Boarding (non-accessory / non-medical)							○	○		
Bed and Breakfast						■				
Day Care Centers	○	○	○	○	○	■	■	■		
Nursery sales office / greenhouse (wholesale or retail)							○	○		
Service Stations (non-car wash)							○	○		
Car wash (w/ or w/o service station)							○	○		
Skating rinks / commercial recreation							○	○		
Mortuary / Funeral Home						○	○	○		
Bar / Night Club							○	○		
Utility storage Buildings (non residential)						○	○	○		

Section XII.

Chapter 19.28 of the Prairie Village Municipal Code, entitled “Special Use Permits” is hereby amended by amending Section 19.28.070 to read as follows:

19.28.070 Specifically Listed Special Use Permits.

Any of the following uses may be located in any district by special use permit in accordance with Section 19.28.005: unless otherwise noted:

- A. Country clubs, or private clubs or clubs which serve food and alcoholic, wine and cereal malt beverages;
- B. Cemeteries;
- C. Columbariums;
- D. Hospitals;
- E. Nursery sales office, building, greenhouse, or area (wholesale or retail);
- F. Nursing and convalescent homes as defined by state statutes; but not including group homes;
- G. Buildings, structures, towers, and premises for public utility services or public service corporations whether located in public right-of-way or on easements on private property except that the following shall be specifically excluded from the Special Use Permit requirements: utility poles; utility boxes; and underground utility lines.
- H. Assembly. Where assembly uses are listed as a Special Use in certain districts, the application should be reviewed particularly in regard to:
 - 1. The intensity of the use in terms of activity and noise;
 - 2. The scale of the building and associated site elements compared to patterns in the area.
 - 3. Potential impacts of the use on adjacent property from anticipated operations and activities;
 - 4. The benefits of the use to other permitted uses in the district compared with the potential detriment of the use on the character of the area.
- I. Dwellings for senior adults, as defined herein, and including handicapped adults. Dwellings may be in the form of townhouses, apartments or congregate type living quarters. Nursing care or continuous health care services may be provided on the premises as a subordinate accessory use. Not less than seven hundred square feet of land shall be provided for each occupant in an apartment or congregate dwelling unit and not less than five hundred square feet of land shall be provided for each bed in a nursing or continuous care facility. Not less than three off-street parking spaces shall be provided on the premises for every four apartments or congregate living units, one space shall be provided for every five beds in any nursing facility, and not less than one space shall be provided for each employee on the premises on the maximum shift, provided, however, that this section shall not apply to group homes; Standards for height and setback of buildings applicable to such dwellings shall be those permitted in residential zoning districts R-1 through R-4;
- J. Service stations in C-1, C-2 & C-3 Districts only; not including automatic car wash; provided that all gasoline storage tanks shall be located below the surface of the ground. Display and service racks for new stock normally carried by filling stations, including oils and tires, may be placed outside the building during business hours;

- K. Automatic and semiautomatic car washes, continuous line car washes, self-service car washes, manual car washes and all other car washing facilities located separately or in relation to the operation of a service station in C-1, C-2 & C-3 Districts only;
- L. Skating rinks, arcades and similar commercial recreation facilities in C-1, C-2 & C-3 Districts only provided such use shall be not less than two hundred feet from any existing clinic, hospital, school, church or district R-1 to R-4 inclusive, unless approved by the Governing Body under such restrictions as seem appropriate after consideration of noise and other detrimental factors incidental to such use;
- M. Mortuaries and funeral homes - in C-0, C-1, C-2 & C-3 Districts only;
- N. Day Care Centers in residential districts;
- O. Drinking Establishments - Bar or Night Club - C-1, C-2, & C-3 Districts only:
 - 1. The initial approval shall be for a period of three years;
 - 2. Subsequent renewals may be for periods up to ten years but shall not be in excess of the lease term or options thereof;
- P. Accessory uses to motels includes but not limited to restaurants, banquet rooms, liquor, notions and magazine counters, vending machines, beauty and barbershops, flower and gift shops; provided all are within the main building and designed to serve primarily the occupants and patrons of the motel or hotel;
- Q. Accessory uses to hospitals including, but not limited to, residential quarters for staff and employees, nursing or convalescent quarters, storage and utility buildings, food service and vending machines, laundry and other similar services for hospital personnel, visitors and patients;
- R. DELETED.
- S. DELETED.
- T. Private Schools, Colleges and University Education Centers;
- U. Retail. Where retail uses are listed as a Special Use in certain districts, the application should be reviewed, particularly in regard to:
 - 1. The intensity of the use in terms of activity and noise;
 - 2. The scale of the building and associated site elements compared to patterns in the area;
 - 3. Potential impacts of the use on adjacent property from anticipated operations and activities; and
 - 4. The benefits of the use to other permitted uses in the district compared with the potential detriment of the use on the character of the area.

Section XIII.

Chapter 19.30 of the Prairie Village Municipal Code, entitled "Conditional Use Permits," is hereby amended by deleting Sections 19.30.015 "Notice of Hearing," 19.30.025 "Applications," 19.30.035 "Planning Commission Action," 19.30.045 "Assignments," and 19.30.055 "Specifically Listed Conditional

Uses,” and amending Sections 19.30.005 “General,” 19.30.010 “Public Hearing,” 19.30.020 “Conduct of Hearing,” 19.30.030 “Factors for Consideration,” 19.30.040 “Expiration of Approval,” and 19.30.050 “Appeals of Conditional Use Permits” to read as follows:

19.30.005 Purpose and Intent.

The intent of conditional use permits are to ensure that specific uses, specific formats of uses, or site and building design elements of specific uses have an elevated site plan review to ensure that it is sited and operated in a compatible manner with the specific context. This review process provides an elevated site plan review for situations we expect to be compatible with the zoning district, but where administrative judgment is reserved and conditioned on a specific site plan. Approvals may be specific conditions that the use or site element must meet, elevated scrutiny of the general site plan criteria for the particular use or site, or limited time periods where performance and operation of the proposed plan may be reevaluated periodically.

19.30.010 Applicability.

The conditional use permit process applies to any uses identified as a Conditional Use in the use table in Chapter 19.27 as well as any use or site element listed in section 19.30.050 that has specific conditions to be applied on a case by case basis.

19.30.020. Procedure.

The process for a conditional use permit shall be the same as a site plan provided in Chapter 19.32

19.30.030. Criteria.

In making a decision on a conditional use permit and site plan, the Planning Commission shall evaluate the following criteria that are relevant to the request:

- A. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations, and use limitations;
- B. The proposed conditional use meets any specific standards or limitations for the particular use listed in this ordinance.
- C. The proposed conditional use meets all of the site plan review criteria in 19.32.030.
- D. The proposed conditional use at the specified location is adequately planned, designed, located, and limited to not cause any impacts on the character of the area, the public streetscape, or adjacent property, different from any other permitted use.
- E. In meeting these criteria, the Planning Commission may place additional conditions that it deems appropriate to ensure that the criteria are met based on the particular context, site, or plan.

19.30.040. Effect of Decision.

In deciding on a conditional use permit, the Planning Commission may:

- A. Approve the application based upon the proposed site plan.
- B. Approve the application based upon additional conditions to the proposed site plan, or any additional limitations on the design or operations of the proposed use.
- C. Deny the application, and state specific circumstances that make the use or design incompatible with that site.
- D. In approving any application, the Planning Commission may place a reasonable time limit on the permit. The reasonableness of any time limit shall be balanced based on the level of initial investment in the use, the potential for any conflicts or changes in impacts over time, and the need for periodic review to ensure conformance with the site plan and any other conditions.
- E. Conditional Use Permits may be assigned, conveyed, or transferred to another owner or operator, subject to a signed statement by the new owner or operator that they will abide by all conditions of the approval.
- F. Appeal of a decision on a conditional use permit may be made by the applicant, a government official, or agency impacted by the decision, or any person aggrieved by the decision where detrimental effects on a property or business interest may be shown. Appeals shall be filed with the City Clerk within 15 days of the Planning Commission decision. Appeals will be heard by the City Council at its next regular scheduled meeting. The City Council shall consider the appeal under the same procedures and criteria of the Planning Commission, and the City Council may make any decision that was available to the Planning Commission, except that it must find a clear error by the Planning Commission in applying the facts to the criteria in order to over-ride the decision. Provided, this section shall not apply to any person who is availing themselves of the appeal provisions set forth in K.S.A. 66-2019(h)(6), as amended, as codified in Section 19.33.020.E of the City Zoning Regulations, or in Federal Communications Commission (FCC) Declaratory Ruling dated September 27, 2018, in WT Docket Nos. 17-79 and 17.84 (FCC 18-133, 33 FCC Rcd 9088), to the extent such FCC Declaratory Ruling applies and/or is in effect.

19.30.050 Specifically Listed Conditional Uses

The following uses may be permitted by conditional use permit:

- A. Temporary use of land for commercial or industrial purposes; provided that any building or structure constructed thereon which is not otherwise permitted in the district in which such land is situated, and any stored equipment or material shall be removed upon the date of expiration of the conditional use permit, which permit shall be valid for not more than two years.

- B. Off-street parking lots and parking structures;
- C. Drive-up services for non-food businesses may be approved in C-O, C-1, or C-2 by a conditional use permit provided the following criteria are met:
 1. The service area and any circulation or stacking areas are designed and located in a way that minimizes impacts on any adjacent residential uses. This may include locating the service area at a remote part of the site, using enhanced screening and buffering of service areas, limiting the hours of operation and anticipated peak times of the operations, or demonstrating other operational or technical controls that will clearly meet the City's noise ordinance standards.
 2. The access and circulation does not present any disruption to surrounding traffic patterns in the street, any pedestrian access points to the site, or along the streetscape beyond ordinary vehicular access.
 3. No food or beverage services are permitted. Drive-through retail food and beverage services require a special use permit according to the procedures and criteria in Section 19.28.
- D. Satellite dish antennas, with a diameter of one meter or greater and those not permitted in Section 19.34.040 (D); and non-commercial transmitting and receiving antennas and towers;
- E. Property Maintenance Facilities. Buildings, structures and premises for property maintenance facilities, and uses;
- F. Limited Outdoor Sales and Services - The limited display of merchandise or services on a sidewalk or an exterior private area of a site associated with the otherwise permitted non-residential use and building. The merchandise display or services are further limited by the following, unless otherwise permitted:
 1. It only occurs during business hours;
 2. All merchandise or equipment other than furniture associated with customer seating is removed from the site and brought indoors during non-business hours; and
 3. The display or service area is designed in a manner that is incidental to or integrates with the building and other site design elements in a manner that minimizes potential impacts on adjacent property.
- G. Utility boxes or Accessory Equipment (as defined in Chapter 19.33) that have a footprint larger than twelve (12) square feet in area, a pad greater than 2.5 times the area of the utility box footprint or greater than thirty-two (32) square feet; or have a height of more than fifty-six (56) inches, except to the extent the same constitutes an Eligible Facilities Request under Chapter 19.33 of the City Zoning Regulations.
 1. For utility boxes, facilities, or Accessory Equipment to be located in the Public Right-of-Way, and for which a Conditional Use Permit is required, in addition to the factors set forth in Section

19.30.030 above, consideration shall be given to the requirements and design standards set forth in Chapter 13, Article 5 of the City Code (use and Occupancy of the Public Right-of-Way), as amended from time to time.

2. Prior to consideration by the Planning Commission, the applicant must hold a neighborhood meeting and invite all persons to whom notice is required to be given under the *Citizen Participation Policy*. The applicant must consider and receive input on whether it is feasible to incorporate or adopt the City's design standards or requirements, and what other reasonable alternatives are available based on the circumstances, context, and streetscape designs and constraints of the specific site. The applicant must present the results from the neighborhood meeting as part of the justification for any Conditional Use Permit request.

Section XIV.

Chapter 19.32 of the Prairie Village Municipal Code, entitled "Site Plan Approval," is hereby amended by amending 19.32.030 "Standard of Approval" to read as follows:

19.32.030 Standard of Approval

In making a determination that the Site Plan meets the standards of the zoning ordinance and that the standards are appropriately applied to the specific site, the Planning Commission shall give consideration to the following criteria:

- A. Generally.
 1. The plan meets all applicable standards.
 2. The plan implements any specific principles or policies of the comprehensive plan that are applicable to the area or specific project.
 3. The plan does not present any other apparent risks to the public health, safety, or welfare of the community.
- B. Site Design and Engineering.
 1. The plan provides safe and easy access and internal circulation considering the site, the block, and other surrounding connections, and appropriately balances vehicle and pedestrian needs.
 2. The plan provides or has existing capacity for utilities to serve the proposed development.
 3. The plan provides adequate management of stormwater runoff.
 4. The plan provides proper grading considering prevailing grades and the relationship to adjacent sites.

- C. Building Design.
1. The location, orientation, scale, and massing of the building creates appropriate relationships to the streetscape and to adjacent properties.
 2. The selection and application of materials will promote proper maintenance and quality appearances over time.
 3. The architectural design reflects a consistent theme and design approach. Specifically, the scale, proportion, forms and features, and selection and allocation of materials reflect a coordinated, unified whole.
 4. The building reinforces the character of the area and reflects a compatible architectural relationship to adjacent buildings. Specifically, the scale, proportion, forms and features, and materials of adjacent buildings inform choices on the proposed building.
- D. Landscape Design.
1. The plan creates an attractive aesthetic environment and improves relationships to the streetscape and adjacent properties.
 2. The plan enhances the environmental and ecological functions of un-built portions of the site.
 3. The plan reduces the exposure and adverse impact of more intense activities or components of the site or building.

Section XV.

Chapter 19.33 of the Prairie Village Municipal Code, entitled “Wireless Communication Facilities” is hereby amended to read as follows:

Chapter 19.33 – Wireless Communication Facilities

Sections:

- 19.33.005 Intent.
- 19.33.010 Purpose.
- 19.33.015 Definitions.
- 19.33.020 Special Use Permit Requirement.
- 19.33.025 Factors for Consideration.
- 19.33.030 Application Information.
- 19.33.035 Design Requirements.
- 19.33.040 Conditions of Approval.
- 19.33.045 Site Plan Approval.
- 19.33.050 Exceptions.
- 19.33.055 Existing Site Improvements.
- 19.33.060 Small Wireless Communications Antennae.

19.33.005 Intent.

Numerous provisions of state and federal law grant authority to local jurisdictions over decisions regarding the placement, construction, and modification of Wireless Facilities, Towers, and Antennae. As the City has diverse and unique landscapes that perpetuate the identity of its residential neighborhoods, protection of these valuable resources is paramount. Accordingly, the Governing Body finds that the unregulated placement and design of Wireless Facilities, Towers, and Antennae results in visual clutter that adversely affects community aesthetics and damages the character of the City. This ordinance is intended to provide minimum standards that ensure that the wireless communication needs of residents and businesses are met, while at the same time the general health, safety, and welfare of the community is protected.

19.33.010 Purpose.

Wireless communication facilities, towers, and antenna, including their respective equipment, and including small wireless communication antennae, as set out in Section 19.33.055, may be sited, constructed, designed, or maintained provided that it is in conformance with the stated standards, procedures, and other requirements of this ordinance. More specifically, these regulations are necessary to:

- A. Provide for suitable location of Wireless Facilities, Towers, and Antennae, so as to mitigate their negative effect on residential neighborhoods and land uses;
- B. Maintain community aesthetics by minimizing the negative visual effects of Wireless Facilities, Towers, and Antennae through specific design and siting criteria;
- C. Maximize the use of Existing Towers, Wireless Support Structures, and Alternative Tower Structures so as to minimize the need for new locations.
- D. Examine Collocation among providers of Wireless Services on existing and newly constructed sites in order to reduce the overall number of Towers and Wireless Support Structures needed; and
- E. Promote the use of innovative stealth, camouflage, and disguise techniques for Wireless Facilities, Towers, and Antennae so as to integrate their appearance with the many architectural and natural themes found throughout the City.
- F. Protect the health, safety, and welfare of the community.

19.33.015 Definitions.

For the purposes of this Ordinance, the following terms shall be defined as:

- A. **Accessory Equipment:** Any equipment serving or being used in conjunction with a Wireless Facility or Wireless Support Structure including, but not limited to, utility or Transmission Equipment, power supplies, generators, batteries, cables, equipment building, equipment

compound, cabinets and storage sheds, shelters, or similar structures. Accessory Equipment includes, but is not limited to, any electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

- B. **Alternative Tower Structure:** This shall mean man-made trees, clock towers, bell steeples, Utility Poles, light poles, and similar alternative-design mounting structures that camouflage or conceal the presence of Antennas or Towers.
- C. **Antenna:** Any structure or device used to collect or radiate electromagnetic waves or signals for provision of Wireless Services.
- D. **Base Station:** A station that includes a structure that currently supports or houses an Antenna, transceiver, coaxial cables, power cables, or other Accessory Equipment at a specific Site that enables FCC-licensed or authorized Wireless Service to mobile stations, generally consisting of radio transceivers, Antennas, coaxial cables, power supplies, and other associated electronics. The term does not mean a Tower, and it does not include any structure that, at the time the relevant application is filed with the City, does not support or house equipment described in this paragraph or that was not previously approved under the applicable zoning or siting process. A Base Station may include such things as a building, a steeple, water tower, sign, or other non-Tower structure.
- E. **Collocation:** The act of siting Wireless Facilities from more than one provider in the same location on the same Tower or Wireless Support Structure as other Wireless Facilities. Collocation also means locating Wireless Facilities on an existing structure (for example, Base Stations, buildings, water tanks, towers, utility poles, etc.) without the need to construct a new Tower or Wireless Support Structure.
- F. **Distributed Antenna System (DAS) Facility:** A network that distributes radio frequency signals and consisting of:
 - 1. Remote communications or Antenna nodes deployed throughout a desired coverage area, each including at least one Antenna for transmission and reception;
 - 2. A high capacity signal transport medium that is connected to a central communications hub site; and
 - 3. Radio transceivers located at the hub's site to process or control the communications signals transmitted and received through the Antennas to provide Wireless Services within a geographic area or structure.

- G. **Eligible Facilities Request:** Any request for Modification of an Existing Tower or Base Station that does not Substantially Change the physical dimensions of such Tower or Base Station, involving:
1. Collocation of new Transmission Equipment;
 2. Removal of Transmission Equipment; or
 3. Replacement of Transmission Equipment.
- H. **Eligible Support Structure:** Any Tower or Base Station, provided that it is Existing at the time the relevant application is filed.
- I. **Equipment Compound:** The area in which a Wireless Facility, Wireless Support Structure, the equipment and Tower may be located which is enclosed with a fence or wall or is within a building or structure.
- J. **Existing:** A constructed Tower, Wireless Support Structure, Utility Pole, or Base Station is Existing if it has been reviewed and approved under the applicable zoning or siting process, provided that a Tower, Wireless Support Structure, Utility Pole, or Base Station that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is Existing for purposes of this definition.
- K. **FCC:** The Federal Communications Commission.
- L. **Maintenance:** Ensuring that Wireless Facilities, Towers, and Wireless Support Structures are kept in good operating condition. Maintenance includes inspections, testing, and modifications that maintain functional capacity, aesthetic and structural integrity; for example, the strengthening of a Wireless Support Structure's foundation or of the Wireless Support Structure itself or replacing Antennas and Accessory Equipment on a like-for-like basis on an existing Wireless Facility. Ordinary maintenance also includes maintaining walls, fences, and landscaping, including the replacement of dead or damaged plants as well as picking up trash and debris. Ordinary Maintenance does not include Modifications.
- M. **Modifications or Modify:** The addition, removal, or change of any of the physical and noticeably visible components or aspects of a Wireless Facility, such as Antennae, cabling, radios, equipment shelters, landscaping, fencing, utility feeds, changing the color or materials of any noticeably visible components, vehicular access, parking, upgrade, or exchange of equipment for better or more modern equipment (provided that Modification shall not include replacement of components in-kind). Modifications also include, but are not limited to, extending the height of any Wireless Support Structure, replacing the Wireless Support Structure, and the expansion of the Equipment Compound area for

additional equipment. A Collocation which changes the dimension of an Existing Wireless Facility, Utility Pole, Tower, or Wireless Support Structure shall be considered a Modification. The Public Works Director or other designated building official shall determine when changes such as enlarging the ground-mounted equipment area, increasing the screen wall height, or installing additional equipment changes the physical and noticeably visible aspects of a Wireless Facility.

- N. **Public Right-of-Way or ROW:** The area on, below, or above streets, alleys, bridges, and parkways in which the City has a dedicated or acquired right-of-way interest in the real property.
- O. **Public Right-of-Way Ordinance:** Chapter 13, Article 5 of the City Code (Use and Occupancy of the Public Right-of-Way), as amended from time to time.
- P. **Site:** For Towers or Wireless Support Structures, other than Towers or Wireless Support Structures in the Public Rights-of-Way, the current boundaries of the leased or owned property surrounding the Tower and any access or utility easements currently related to the Site, and, for other Eligible Support Structures, further restricted to that area in proximity to the structure and to other Transmission Equipment already deployed on the ground.
- Q. **Small Cell Facility:** A Wireless Facility that meets all of the following qualifications:
 - 1. Each Antenna is located inside an enclosure of no more than six (6) cubic feet in volume, or in the case of an Antenna that has exposed elements, the Antenna and all of the Antenna's exposed elements could fit within an imaginary enclosure of no more than six (6) cubic feet;
 - 2. Primary equipment enclosures that are no larger than seventeen (17) cubic feet in volume, or facilities comprised of such higher limits as the FCC has excluded from review pursuant to 54 U.S.C. § 306108. Accessory Equipment may be located outside the primary equipment, and if so located, are not to be included in the calculation of equipment volume; and
 - 3. The structure on which the Antenna facilities are mounted:
 - (a) is fifty (50) feet or less in height; or
 - (b) is no more than ten percent (10%) taller than other adjacent structures; or
 - (c) is not extended to a height of more than ten percent (10%) above its preexisting height as a result of the Collocation of new Antenna facilities, whichever is greater.

- R. **Small Cell Network:** A collection of interrelated Small Cell Facilities designed to deliver Wireless Services.
- S. **Stealth or Stealth Technology:** Using the least visually and physically intrusive facility by minimizing adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and generally in the same area as the requested location of a Wireless Facility. Specifically, this means ensuring that all Antenna arrays, cables, and other Accessory Equipment used for providing the Wireless Service are not obtrusive or noticeably visible from adjacent properties or adjacent Public Rights-of-Way. Any Accessory Equipment mounted on a Tower or Wireless Support Structure shall not project greater than one (1) foot), as measured horizontally, from the surface of the Tower or Wireless Support Structure and shall be painted or screened with materials that are a complementary color as the Tower or Wireless Support Structure. Cables shall not be allowed to travel along the exterior of a Tower or Wireless Support Structure. Understanding that new technologies are anticipated to change the components of Wireless Facilities, the Public Works Director or other designated building official may determine if a Wireless Facility or component thereof is designed to be Stealth.
- T. **Substantial Change:** A Modification that substantially changes the physical dimensions of an Eligible Support Structure (Tower or Base Station) by any of the following criteria:
1. Height.
 - a. For Towers other than Towers in the Public Rights-of-Way, an increase in the height of the Tower by more than ten percent (10%) or by the height of one (1) additional Antenna array with separation from the nearest Existing Antenna not to exceed twenty feet, whichever is greater.
 - b. For other Eligible Support Structures (i.e. Towers in the Public Rights-of-Way or Base Stations), an increase in the height of the structure by more than ten percent (10%) or more than ten (10) feet, whichever is greater.

Changes in height are measured from the original support structure in cases where deployments are or will be separated horizontally (such as on buildings' rooftops); in other circumstances, changes in height should be measured from the dimensions of the Tower or Base Station, inclusive of originally approved appurtenances and any previously-approved modifications.

2. Width/Girth
 - a. For Towers not in the Public Rights-of-Way, adding an appurtenance to the body of the Tower that protrudes from the edge of the Tower more than twenty (20) feet, or more than the width of the Tower at the level of the appurtenance, whichever is greater.
 - b. For other Eligible Support Structures (i.e. Towers in the Public Rights-of-Way or Base Stations), adding an appurtenance to the body of the structure that protrudes from the edge of the structure by more than six (6) feet.
 3. New Equipment Cabinets
 - a. For any Eligible Support Structure, the installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets.
 - b. For Towers in the Public Rights-of-Way and Base Stations, the installation of any new equipment cabinets on the ground if there are no pre-Existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent (10%) larger in height or overall volume than any other ground cabinets associated with the structure.
 4. Any excavation or deployment outside the current Site.
 5. Defeating the Stealth Technology or concealment elements of the Eligible Support Structure.
 6. Not complying with conditions associated with the siting approval of the construction or Modification of the Eligible Support Structure or Base Station equipment, provided, however, that this limitation does not apply to any Modification that is non-compliant only in a manner that would not exceed the thresholds identified in subsections 1. through 4. above.
- U. **Tower or Wireless Support Structure:** Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized Antennas and their Accessory Equipment, including structures that are constructed for Wireless Services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed Wireless Services and fixed Wireless Services such as microwave backhaul, and the associated Site. The terms include, but are not limited to, monopoles (a single, freestanding pole-type structure, without guy wires and/or

ground anchors) and lattice towers (a tower consisting of a guyed or self-supporting three- or four-sided, open-frame structure) used to support Antennas and Transmission Equipment.

- V. **Transmission Equipment:** Equipment that facilitates transmission for any FCC-licensed or authorized Wireless Service, including but not limited to, radio transceivers, Antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with Wireless Services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed Wireless Services and fixed Wireless Services such as microwave backhaul.
- W. **Utility Pole:** A structure owned or operated by the City, or a public utility as defined in K.S.A. 66-104, and amendments thereto, or an electric cooperative as defined in K.S.A. 17-4652, and amendments thereto, that is designed specifically for and used to carry lines, cables, or wires for telecommunications, cable, electricity, or to provide lighting.
- X. **Wireless Facility:** A structure, facility, or location designed, or intended to be used as, or used to support, Antennae, Small-Cell Facilities, or other Transmission Equipment used in Wireless Services. This includes, without limit, Towers, Wireless Support Structures, Utility Poles and Base Stations or other structures that can or are requested to be used as a support structure for Antennae or the functional equivalent of such. It further includes Antennae, Small Cell Facilities, and Distributed Antenna Systems (DAS). It further includes all related Accessory Equipment associated with the Site. It includes any unmanned facility established for the purpose of providing wireless transmission of voice, data, images or other information including, but not limited to, Wireless Services, cellular telephone service, personal communications service (PCS), specialized mobile radio (SMR), commercial satellite services, microwave services, radio and television services, paging service, and any commercial Wireless Services not licensed by the FCC.
- Y. **Wireless Services:** Means "personal wireless services" and "personal wireless service facilities" as defined in 47 U.S.C. § 332(c)(7)(C), including commercial mobile services as defined in 47 U.S.C. § 332(d), provided to personal mobile communication devices through Wireless Facilities or any fixed or mobile Wireless Services provided using Wireless Facilities.

19.33.020 Application and Decision Timeframes; Special Use Permit Requirements; Administrative Approvals; Conditional Use Permits.

- A. Special Use Permit Required. Unless otherwise excepted herein, the following shall be allowed only upon approval of a Special Use Permit in accordance with the procedures set out in Chapter 19.28, Special Use Permit.
1. New Construction - Small Cell Facilities. New Wireless Facilities, Towers, Base Stations, Wireless Support Structures, Utility Poles, and/or Antennae for Small Cell Facilities, and whether in the Public Right-of-Way or otherwise. A written final decision for such applications shall be issued within ninety (90) days.
 2. New Construction – Non-Small Cell Facilities. New Wireless Facilities, Towers, Base Stations, Wireless Support Structures, Utility Poles and Antennae for non-Small Cell Facilities, and whether in the Public Right-of-Way or otherwise. A written final decision for such applications shall be issued within one hundred fifty (150) days.
 3. Substantial Changes. A substantial Change to an Existing Tower, Base Station, Wireless Support Structure, Utility Pole, or Antenna. A written final decision for such applications shall be issued within ninety (90) days.
 4. Other. Any other application for placement, installation, or construction of Transmission Equipment that is not contemplated by subsections 1 through 3 above, does not constitute an Eligible Facilities Request, or which is not eligible for administrative approval as provided in Section 19.33.020.B below. A written final decision for such applications shall be issued within one hundred fifty (150) days.

Notwithstanding the foregoing, to the extent any of the foregoing utilize Accessory Equipment or other facilities or other equipment for which a Conditional Use Permit may be required (such as for larger utility boxes or pedestals), then the City may only approve Special Use Permits subject to the applicant receiving any and all required Conditional Use Permits. A written final decision for such Conditional Use Permit applications shall be issued within the time periods set forth above.

- B. Administrative Approvals. Notwithstanding subsection A. above, the Public Works Director or other designated building official may approve applications for the following, provided that such applications meet all

applicable performance standards, including, but not limited to, the provisions and requirements of the Public Right-of-Way Ordinance:

1. Collocation on Existing Wireless Facilities – Small Cell Facilities. New Antenna or Collocation of Small Cell Facilities on an Existing Tower, Utility Pole, or street light in the Public Right-of-Way, that does not incur a Substantial Change. This provision is also applicable when the Existing Tower, Utility Pole, or street light is replaced by a Tower, Utility Pole, or street light that is not a Substantial Change from the original. A written final decision for such applications shall be issued within sixty (60) days.
2. Collocation on Existing Wireless Facilities – Non-Small Cell Facilities. New Antenna or Collocation of non-Small Cell Facilities on an Existing Tower, Utility Pole, or street light in the Public Right-of-Way, that does not incur a Substantial Change. This provision is also applicable when the Existing Tower, Utility Pole, or street light is replaced by a Tower, Utility Pole, or street light that is not a Substantial Change from the original. A written final decision for such applications shall be issued within ninety (90) days.
3. Other Modifications and Eligible Facilities Requests. The Modification of an existing Tower, Wireless Support Structure, Utility Pole, or Base Station that does not incur a Substantial Change to the Tower, Wireless Support Structure, Utility Pole, or Base Station, or that otherwise qualifies as an Eligible Facilities Request. A written final decision for such applications shall be issued within sixty (60) days.

Notwithstanding the foregoing, to the extent any of the foregoing utilize Accessory Equipment or other facilities or other equipment for which a Conditional Use Permit may be required (such as for larger utility boxes or pedestals), then the Public Works Director or other designated building official may only approve applications subject to the applicant receiving any and all required Conditional Use Permits. A written final decision for such Conditional Use Permit applications shall be issued within the time periods set forth above.

- C. Conditional Use Permit Requirement. A Conditional Use Permit, reviewed and approved in accordance with the procedures set out in Chapter 19.30 Conditional Use Permits, is required for applications for Wireless Facilities to the extent they utilize or are supported by utility boxes or Accessory Equipment that have a footprint larger than twelve (12) square feet in area, a pad greater than two and one-half (2.5) times the area of the utility box footprint or greater than thirty-two (32) square

feet; or have a height of more than fifty-six (56) inches, as provided in Chapter 19.30.

- D. **Application and Decision Timeframes.** The timeframes set forth above begin to run when a completed application is filed. The applicable timeframe may be tolled by mutual agreement or in cases where the City determines that the application is incomplete. To toll the timeframe for incompleteness, the City may provide written notice to the applicant within thirty (30) days of receipt of the application, clearly and specifically delineating all missing documents and information. The timeframe begins running again when the applicant makes a supplemental submission responding to the City's notice. The City then has ten (10) days to notify the applicant that the supplemental submission did not provide the information identified in the original notice. The timeframe is tolled in the case of second or subsequent notices pursuant to this subsection. Second or subsequent notices may not specify missing documents or information that were not delineated in the original notice of incompleteness.
- E. **Deemed Approvals and Appeals.** Within thirty (30) days after the City provides notice of its decision, a party aggrieved by the final action of the City may bring an action for review in any court of competent jurisdiction. If a final decision is not otherwise issued within the timeframes set forth in Section 19.33.020.D above, then an application shall be deemed approved once an applicant has provided notice to the City that such applicable timeframes have lapsed. Provided, that this section shall not apply to any person who is availing themselves of the appeal provisions set forth in K.S.A. 66-2019(h)(6), as amended, or in Federal Communications Commission (FCC) Declaratory Ruling dated September 27, 2018, in WT Docket Nos. 17-79 and 17-84 (FCC 18-133, 33 FCC Rcd 9088), to the extent such FCC Declaratory Ruling applies and/or is in effect.
- F. **Small Cell and DAS Facilities—Consolidated Application and Exemption.**
1. Pursuant to Kansas Statute, an applicant may file one consolidated application for a Small Cell Network up to twenty-five (25) individual Small Cell Facilities of a substantially similar design. Notwithstanding, the City may require a separate application for any Small Cell Facilities that are not of a substantially similar design.
 2. Notwithstanding anything in this Code to the contrary, no zoning, special use permit, or siting approval is required for the construction, installation or operation of any Small Cell or DAS Facilities located in an interior structure or upon the Site of any campus, stadium or athletic facility; provided, however, this exemption does not exempt any such facility from any applicable

building or electrical code provision.

19.33.025 Factors for Consideration Where Special Use Permit is Required.

Where a Special Use Permit is required, then the following factors shall be considered in approving or disapproving a Special Use Permit for a Wireless Facility. It is not necessary that a finding of fact be made for each factor described herein. However, there should be a conclusion that the request should be approved or denied based upon consideration of as many factors as are applicable. The following factors are not exclusive.

- A. The character of the neighborhood.
- B. The zoning and uses of property nearby.
- C. The extent that a change will detrimentally affect neighboring property.
- D. The relative gain to public health, safety, and welfare by destruction of value of the applicant's property as compared to the hardship on other individual landowners.
- E. The proposed special use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations, and use limitations.
- F. The proposed special use at the specified location will not adversely affect the welfare or convenience of the public.
- G. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the Site or Wireless Facility with respect to streets giving access to it are such that the special use will not cause substantial injury to the value of the property in the immediate neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will cause substantial injury to the value of property in the immediate neighborhood, consideration shall be given to:
 - 1. The location, size, nature and height of buildings, structures, walls, and fences on the Site; and
 - 2. The nature and extent of landscaping and screening on the Site.
- H. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations, and such areas will be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect.

- I. Adequate utility, drainage, and other such necessary facilities have been or will be provided.
- J. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.
- K. Adjoining properties and the general public shall be adequately protected from any hazardous or toxic materials, hazardous manufacturing processes, obnoxious odors or unnecessarily intrusive noises.
- L. Architectural design and building materials are compatible with such design and materials used in the neighborhood in which the proposed facility is to be built or located, and the design and aesthetic standards adopted by the City.
- M. City Staff recommendations.

19.33.030 Application Information.

At the time the application for a Wireless Facility is filed, the applicant shall submit the following information:

- A. An affidavit that the applicant conducted an analysis of available collocation opportunities on existing Wireless Facilities, within a search ring as defined by the applicant.
- B. Multiple photo simulations of the proposed Wireless Facility as viewed from the adjacent residential properties and public rights of way as directed by City Staff.
- C. When possible, all Wireless Facilities should be designed to accommodate multiple providers (Collocation).
- D. Any application for construction of a new Wireless Facility must provide a detailed site plan of the proposed project. This properly scaled site plan will include one page (including ground contours) that portrays the layout of the Site or Public Right-of-Way, including the proposed Wireless Facility, and the identification of the specific trees, structures, improvements, facilities and obstructions, if any, that the applicant proposes to temporarily or permanently remove or relocate. Access to and from the Site or Wireless Facility, as well as dimensioned proposed and existing drives, must be included on this plan. Detailed exterior elevations (from all views) of the Wireless Facility, screening walls, and all proposed buildings must also be submitted. Finally, a landscape plan

detailing location, size, number, and species of plant materials must be included for review and approval by the applicable reviewing authority.

- E. Description of the transmission medium that will be used by the applicant to offer or to provide services and a statement that applicant will meet all federal, state, and city regulations and law, including but not limited to FCC regulations. The applicant shall provide an engineer's statement that anticipated levels of electromagnetic radiation to be generated by facilities on the Site, including the effective radiated power (ERP) of the antenna, shall be within the guidelines established by the FCC. The cumulative effect of all antennae and related facilities must comply with the radio frequency radiation emission guidelines established by the FCC. An antenna radiation pattern shall be included for each antenna.
- F. Preliminary construction schedule including completion dates; provided, that construction of the approved Wireless Facilities shall commence within one (1) year after final approval and shall be diligently pursued to completion.
- G. The applicant shall provide a copy of its FCC license.
- H. All applications necessary for the consideration and issuance of a Right-of-Way Permit under the Public Right-of-Way Ordinance, if applicable.
- I. Any other relevant information requested by City Staff.
- J. The applicant shall submit a completed application form with all required attachments and must agree to and reimburse the City for all costs related to the application. The City may collect a non-refundable application fee, subject to any statutory maximum. An application shall not be deemed submitted until the applicable fee is paid.
- K. Notwithstanding the foregoing, as provided in 47 C.F.R. § 1.40001(c), when an applicant asserts in writing that a request for a Modification qualifies as an Eligible Facilities Request, the City may require the applicant to provide documentation or information only to the extent reasonably related to determining whether the request meets the requirements of 47 C.F.R. § 1.40001.

19.33.035 Design and Aesthetic Requirements – Small Cell Facilities and Non-Small Cell Facilities.

- A. Setbacks.
 - 1. The equipment compound for Wireless Facilities and Accessory Equipment shall meet the minimum required setbacks for a principal use in the district in which it is located.

2. Stealth Towers and Alternative Tower Structures that are truly architecturally integrated into the building or Base Station shall maintain the same setbacks that are required for a principal building or Base Station.
3. Non-stealth monopoles, Wireless Support Structures, or Towers shall setback a minimum distance from all property lines equal to the height of the monopole or Tower unless a reduction or waiver is granted by the Governing Body.
4. The applicant may request a reduction or waiver of the setback requirement. The Planning Commission shall consider the request and make a recommendation to the Governing Body who will make the final determination. In approving a setback reduction or waiver, the Planning Commission and Governing Body shall consider the following:
 - a. That there are special circumstances or conditions affecting the proposed installation;
 - b. That the setback waiver is necessary for reasonable development of the installation or the landowner's property;
 - c. That the granting of the setback waiver will not be detrimental to the public health, safety, and welfare or cause substantial injury to the value of the adjacent property or other property in the vicinity in which the particular property is situated.

B. Screening and Landscape Buffer.

1. Adequate screening of the equipment cabinets for Wireless Facilities and Accessory Equipment shall be provided by a solid or semi-solid wall or fence or a permanent building enclosure using materials similar to adjacent structures on the property. All equipment cabinets shall be adequately secured to prevent access other than by authorized personnel.
2. Landscaping shall be required around the base or perimeter of the screening wall or fence. A combination of coniferous and deciduous trees and shrubs is required and drought tolerant plant materials are encouraged. When the visual impact of the equipment compound would be minimal, the landscaping requirement may be reduced or waived by the Planning Commission or Governing Body.

C. Tower/Antennae Design.

1. All non-stealth Towers and Wireless Support Structures shall maintain a hot dipped galvanized finish, and shall be a monopole design unless otherwise approved by the Planning Commission or Governing Body. The City Public Works Director or other designated building official may require that providers of Wireless

Services design their poles utilizing pole designs pre-approved by the City.

2. All Antennae installed on Towers and Wireless Support Structures shall be internal. Antenna bridges and platforms are not allowed. Public service omni-directional Antennae operated by the City of Prairie Village and other governmental agencies are exempt from this requirement.
 3. All Antennae and related facilities installed on an Alternative Tower Structure shall be of materials that are consistent with the surrounding elements so as to blend architecturally with said structure and to camouflage their appearance. Antennae on the rooftop or above a structure shall be screened, constructed and/or colored to match the structure to which they are attached.
 4. Antennae and related facilities shall be of materials and color that are consistent with the Tower or Alternative Tower Structure and surrounding elements so as to blend architecturally with said Tower or Alternative Tower Structure. The Antennae and related facilities shall be a neutral color that is identical to, or closely compatible with, the color of the Tower or Alternative Tower Structure so as to make the Antennae and related facilities as visually unobtrusive as possible. Antennae mounted on the side of a building, structure, or Base Station shall be painted to match the color of the building, structure, or Base Station or the background against which they are most commonly seen.
 5. All electrical cables shall be installed within the Wireless Support Structure. For installations on buildings, water towers, Base Stations, and other structures, cables shall be enclosed with a shield that is painted the same color as the building, water tower, Base Station, or structure. Underground cables that are a part of the installation shall be required to be located at a safe depth underground.
- D. Illumination. Wireless Facilities and Towers may be only illuminated if required by the FCC and/or the FAA. Security lighting around the base of the Tower may be installed, provided that no light is directed toward an adjacent residential property or public street.
- E. Height. The maximum height for a Wireless Facility, Tower, Wireless Support Structure, or Utility Pole shall be one hundred fifty feet (150') feet plus a lightning rod not exceeding ten feet (10'). Provided, that as to Wireless Facilities to be located in the Public Right-of-Way, the height of a Wireless Facility will not exceed, or cause any existing Wireless Facility to exceed, the lesser of:
- (1) thirty-five (35) feet for residential or collector streets or forty-five (45) feet for arterial streets; and

- (2) sixty-six (66) inches above the height of existing street light poles along the right-of-way surrounding the Wireless Facility.
- F. Sealed Drawings. The construction plans for the tower shall be prepared and sealed by a structural engineer licensed in the State of Kansas. Construction observation shall be provided by the design engineer provided that said engineer is not an employee of the tower's owner. If the design engineer is an employee of the owner, an independent engineer will be required to perform construction observation.
- G. Anti-Perch Devices. Anti-perch devices that prevent birds from perching or roosting on the installation shall be installed when appropriate.
- H. Additional Small Cell Facility Requirements. See Section 19.33.060 below.
- I. Wireless Facilities in the Public Right-of-Way. In addition to the foregoing, Wireless Facilities located or to be located within the Public Right-of-Way shall also be subject to the provisions and requirements of the Public Right-of-Way Ordinance, including but not limited to, the following, which provisions and requirements are applicable to all users of the Public Right-of-Way:
1. All newly-constructed Accessory Equipment shall be located underground. The ROW-user shall comply with all requirements of the City relating to underground facilities. This requirement may be waived by the Public Works Director or other designated building official at his or her discretion for safety concerns, if approval is required or permitted under other applicable law or ordinance (including but not limited to this Chapter 19.33), or some other good cause under the condition that does not cause discrimination among providers.
 2. If the requirement for below-ground facilities is waived, the facilities shall be located as directed by the Public Works Director or other designated building official, including, but not limited to, requirements regarding location, height, breakaway design, and clear zones, and in conformity with those design requirements set forth in the Public Right-of-Way Ordinance. Permitted above-ground facilities shall also comply with the Manual of Infrastructure Standards and all applicable zoning regulations, including but not limited to design, size, height, setbacks, screening and landscaping, and illumination, and be located in a manner that does not compromise the public health, safety, or welfare.
 3. No newly-constructed above-ground facilities shall be located directly in front of any single-family home (or in front of where a

single-family home could be constructed, in the case of a vacant lot), provided that if the Public Works Director or other designated building official deems it necessary or appropriate, such facilities may be located in the front yard, at or along the property line between two adjacent properties.

4. The electrical meter and any other necessary meter or other accessory cabinet shall not be installed on the Tower, Wireless Support Structure, or Utility Pole.

In the event of duplications or conflicts between the provisions of such Public Right-of-Way Ordinance, and this Chapter 19.33 as to any Wireless Facilities, the City shall have the right to impose and enforce among the various duplications or conflicts such requirements and standards as will best protect the public health, safety, and welfare, provided that the City enforce such requirements in a competitively neutral manner.

19.33.040 Conditions of Approval.

The applicable approving authority for the City may require any or all of the following conditions and may add additional conditions if deemed necessary for a specific location to protect the public health, safety, or welfare, subject to applicable federal and state law:

- A. The initial approval of a Wireless Facility (whether administratively or pursuant to a Special Use Permit or Conditional Use Permit) shall be for a maximum of ten (10) years. At the end of the ten (10) year period, the permittee shall resubmit the application and shall demonstrate to the satisfaction of the authorized approving authorities that all the conditions of approval have been met. The approval may then be extended for an additional ten (10) years by the Public Works Director, other designated building official, or the Governing Body, as required under this Code, and the permittee shall resubmit after each ten (10) year reapproval. The process for considering a resubmittal shall be the same as for the initial application.
- B. Any Wireless Facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned and the owner of such Wireless Facility shall remove the Wireless Facility and all Accessory Equipment within ninety (90) days after receiving notice from the City. If such Wireless Facility and Accessory Equipment is not removed within that ninety (90) day period, the City may order the Wireless Facility and Accessory Equipment removed and may authorize the removal of the same at the permittee's expense. Prior to the issuance of a permit for a Wireless Facility, the applicant shall submit a bond to the City in an amount adequate to cover the cost of Wireless Facility and Accessory Equipment removal and the restoration of the

Site. This bond will be secured for the term of the permit plus one additional year. In the event the bond is insufficient and the permittee otherwise fails to cover the expenses of any such removal, the Site owner shall be responsible for such expense.

- C. The applicant shall have a structural inspection of the applicable Tower, Wireless Support Structure, Alternative Support Structure, or Utility Pole performed by a licensed professional engineer licensed in the State of Kansas prior to every ten (10) year renewal and submit it as a part of the renewal application.
- D. Any Wireless Facility, Tower, Wireless Support Structure, Utility Pole, or Antenna which is not structurally maintained to a suitable degree of safety and appearance (as determined by the City and any applicable law, statute, ordinance, regulation or standard) and which is found not to be in compliance with the terms of the permit(s) will become null and void within ninety (90) days of notification of noncompliance unless the noncompliance is corrected. If the permit becomes null and void, the applicant will remove the Wireless Facility and all appurtenances and Accessory Equipment and restore the Site to its original condition.
- E. The permittee shall keep the Site well-maintained including maintenance and replacement of landscape materials; free of leaves, trash and other debris; and either regularly cleaning up bird droppings or installing anti-perch devices that prevent birds from perching on the installation.
- F. In the future, should the levels of radio frequency radiation emitted be determined to be a threat to human health or safety, the Wireless Facility, Tower, Wireless Support Structure, Utility Pole, or Antenna shall be rectified or removed as provided for herein. This finding must be either mandated by any applicable law, by federal legislative action, or based upon regulatory guidelines established by the FCC.
- G. In order to ensure structural integrity, all Wireless Facilities, Towers, Wireless Support Structures, Utility Poles, and Antennae shall be constructed and maintained in compliance with all applicable local building codes and the applicable standards for such Wireless Facilities, Towers, Wireless Support Structures, Utility Poles, and Antennae that are published by the Electronic Industries Alliance.
- H. All Wireless Facilities, Towers, Wireless Support Structures, Utility Poles, and Antennae shall meet or exceed all minimum structural and operational standards and regulations as established by the FCC, FAA, EPA and other applicable federal regulatory agencies. If such standards and regulations are changed, then all facilities, towers, and antennae shall be brought into compliance within six (6) months of the effective

date of the new standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency.

- I. It shall be the responsibility of any permit holder to promptly resolve any electromagnetic interference problems in accordance with any applicable law or FCC regulation.
- J. The applicant shall provide a copy of the lease or license between the applicant and the landowner, which lease or license must contain a provision whereby the landowner shall be responsible for the removal of the Wireless Facility in the event that the leaseholder or licensee fails to remove it upon abandonment.
- K. Information to establish the applicant has obtained all other government approvals and permits to construct and operate communications facilities, including but not limited to, approvals by the FCC and the Kansas Corporation Commission.
- L. If any Wireless Facilities or Accessory Equipment are to be located within, upon, or over the Public Right-of-Way, then prior to the approval of a permit, the applicant shall enter into an agreement (including in the form of a Small Cell Facility Deployment Agreement, if required by the City) whereby it agrees to abide by the requirements of the City's Public Right-of-Way Ordinance and to protect the City from any liability associated with the proposed installation. Such protection shall include requirements regarding bond, insurance, and indemnification. The agreement shall be in a form approved by the City's legal counsel, and the permittee shall pay such fees as may be set forth in the agreement.
- M. If any Wireless Facilities or Accessory Equipment are to be located upon or connected to any City-owned Utility Poles or other facilities, then prior to the approval of a permit the applicant shall enter into a license or pole attachment agreement with the City. The agreement shall be in a form approved by the City's legal counsel, and the permittee shall pay such license, attachment, and connection fees as may be set forth in the agreement.

19.33.045 Site Plan Approval.

All installations for which a Special Use Permit or Conditional Use Permit is required shall have a site plan approval in accordance with Chapter 19.32, Site Plan Approval.

19.33.050 Exceptions.

The initial approval of the site plan (whether administratively or pursuant to a Special Use Permit or Conditional Use Permit) shall be for a maximum of ten (10) years. At the end of the ten (10) year period, the applicant shall resubmit the application and shall demonstrate to the satisfaction of the authorized

approving authorities that all the conditions of approval have been met. The application may then be extended for an additional ten (10) years. The approval may then be extended for an additional ten (10) years by the Public Works Director, other designated building official, or the Governing Body, as required under this Code, and the permittee shall resubmit after each ten (10) year reapproval. The process for considering a resubmittal shall be the same as for the initial application.

19.33.055 Existing Site Improvements.

In addition to any Eligible Facilities Request, Modifications to Existing Wireless Facilities shall be allowed when these alterations or improvements are implemented to:

- A. Accommodate additional Wireless Services providers, provided that the Modifications meet all applicable requirements of this Chapter. If the Modification is to a Wireless Facility or Site for which a Special Use Permit was approved, then unless otherwise provided for by the current Special Use Permit, application for such Modifications will require approval through an amended Special Use Permit. However, if provided by the current Special Use Permit, such application shall be considered a revised final site plan and will only require submission to and approval of the Planning Commission.
- B. Any such Modification shall meet any and all current applicable design and technical standards and requirements. The cumulative effect of any additional Antennae and related facilities must comply with the radio frequency radiation emission guidelines established by the FCC.
- C. Additional Antennae. When provided for in the approved capacity limit of a multi-user Tower's current Special Use Permit, additional Antennae or replacement of current Antennae may be added through an application for a revised site plan and will only require submission to and approval by the Planning Commission. Any additional Antennae that exceed the originally approved capacity limit shall be considered a revised application, and shall require an amended Special Use Permit to locate. Any additional Antennae or replacement of current Antennae shall meet any and all current applicable design and technical standards and requirements. The cumulative effect of any additional Antennae and related facilities must comply with the radio frequency radiation emission guidelines established by the FCC.
- D. In the event that new technology provides a better alternative to the design requirements herein, the Planning Commission may reasonably approve or require design modification of a Wireless Facility, Tower or Antenna when the appearance of the same is deemed to be less obtrusive than the requirements permitted herein.

- E. Any proposal by a permit holder to replace a current Antenna or to alter and improve an existing Wireless Facility, Tower, Wireless Support Structure, or Antenna in a manner to make the same less obtrusive such as lessening the tower height, converting the structure to an Alternative Tower Structure, or modifying the Antenna to a "slim line" or internal design shall be considered as an amended site plan and will only require submission to and approval by the Planning Commission.
- F. Any such Modification shall meet any and all current applicable design and technical standards and requirements, and the cumulative effect of any additional Antennae and related facilities must comply with the radio frequency emission guidelines established by the FCC.

19.33.060 Small Cell Facilities.

The location, design and appearance of Small Cell Facility installations shall further be subject to the following:

- A. City Permit. Prior to installation, the provider shall obtain a permit from the City. If the proposed installation is located in the Public Right-of-Way, the permit shall be issued in accordance with the City's requirements for a Right-of-Way Permit, as set forth in the Public Right-of-Way Ordinance. Otherwise it shall be issued by the Building Official.
- B. Staff Review. The size, location, and appearance of the Small Cell Facilities will be subject to Staff review and approval, and subject to any Special Use Permit or Conditional Use Permit requirements as set forth in this Chapter. In its discretion, if Staff does not feel the proposed installation meets the intent of this regulation, this Chapter 19.33, or the Public Right-of-Way Ordinance, it may refer approval of the permit to the Planning Commission.
- C. Traffic and Decorative Poles. Small Cell Facilities shall not be permitted on existing or proposed traffic signal poles or existing or proposed streetlight poles that have existing or proposed traffic signal equipment mounted to them. Small Cell Facilities shall not be allowed to collocate on decorative streetlight poles or poles that have decorative luminaries.
- D. Aesthetic Standards. In addition to those requirements set forth in Section 19.33.035 above, the following provisions apply:
 - 1. Antennae for Small Cell Facilities shall either be mounted internal to the Wireless Support Structure or Utility Pole, or top-mounted and concealed within a radome that also conceals the cable connections, antenna mount, and other hardware. The cables or wires other connecting the Antennae to the equipment box shall be contained inside the Utility Pole or Wireless Support Structure or shall be flush mounted to the same and covered with a metal,

plastic, or similar material cap that matches the color of the Utility Pole or Wireless Support Structure and is properly secured and maintained by the provider.

2. Antennae and related facilities (including any radome) shall be of materials and color that are consistent with the Tower, Alternative Tower Structure, Wireless Support Structure, Utility Pole, and surrounding elements so as to blend architecturally with said Tower, Alternative Tower Structure, Wireless Support Structure, or Utility Pole. The Antennae and related facilities shall be a neutral color that is identical to, or closely compatible with, the color of the Tower, Alternative Tower Structure, Wireless Support Structure, Utility Pole so as to make the Antennae and related facilities as visually unobtrusive as possible. Antennae mounted on the side of a building, structure, or Base Station shall be painted to match the color of the building, structure, or Base Station of the background against which they are most commonly seen.
 3. Small Cell Facilities will be allowed to be mounted on existing Utility Poles but the installation of taller Utility Poles or new overhead wiring to accommodate the Small Wireless Communications Antennae and Small Cell Facilities will not be permitted unless approved as a Special Use Permit, as provided in Section 19.33.020 above.
- E. Collocation. Not more than three Antennae panels and one provider may be located on a Utility Pole or monopole.
- F. Strand-Mounted Installations. Aerial fiber and power strand installations are allowed. However, coiling of excess fiber or other cables is not allowed. All lines shall be neatly trained and secured.
1. Any strand-mounted facility shall not be larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height, and any exterior antenna shall be no longer than 11 inches, that are strung on cables between existing Utility Poles, in compliance with the National Electrical Safety Code, and shall be subject to the structural limitations of the City or utility company, as applicable.
 2. The equipment shroud must be non-reflective and painted or color-impregnated to match the color of the existing pole, or surrounding infrastructure, as close as possible.
- G. Utility Racks. Utility racks will not be permitted and all Accessory Equipment will be contained within an enclosed utility box. Utility boxes

shall be located and installed in accordance with the requirements of Chapter 19.30 and Chapter 19.34 of the Zoning Regulations, and in accordance with the requirements of the Public Right-of-Way Ordinance (if applicable). The electrical meter and any other necessary meter or other accessory cabinet shall not be installed on the Tower, Wireless Support Structure, or Utility Pole.

- H. Other Information. The applicant shall provide proof that it is a licensed provider and will comply with all federal, state and City regulations and laws relative to Wireless Services. The applicant shall provide any relevant information requested by City Staff, to the extent permitted of the City by applicable law.

Section XVI.

Chapter 19.34 of the Prairie Village Municipal Code, entitled “Accessory Uses,” is hereby amended by amending Section 19.34.020 “Other Accessory Uses” to read as follows:

19.34.020 Other Accessory Uses.

- A. [Reserved.]
- B. A temporary real estate sales office may be located on property being sold, and limited to period of sale, but not exceeding one (1) year unless granted a conditional use permit;
- C. A hobby activity may be operated as an accessory use by the occupant of the premises purely for personal enjoyment, amusement, or recreation; provided, that the articles produced or constructed are not sold either on or off the premises and that the activity complies with standards established for home occupations in Section 19.34.010 Paragraph B(7). Without limiting the foregoing, hobby activity shall not include the repair of cars or other vehicles, which are not owned by the owner/occupant of the home where the repairs are made. However, nothing contained in this subsection shall be construed or interpreted to permit any use or activity, which is prohibited by Chapter 19.36, Restricted Uses.
- D. Such additional uses as gardens, customary pets, signs as permitted by ordinance, parking areas, play equipment and other similar uses are also accessory uses.
- E. [Reserved.]
- F. No equipment, material or vehicle, other than operating motor passenger cars, shall be stored for more than twenty-four (24) hours in a thirty-day period in a residential district, other than as specifically allowed pursuant to Chapter 19.38. Except that senior housing projects,

assisted living projects, schools, religious institutions and other similar uses may make application to park a bus or buses on their property subject to review and approval of the number, size and location of the buses by the Building Official. The buses shall not be parked within the front yard setback but shall be parked in a location that is most appropriate and compatible with adjacent uses. The Building Official may approve, approve with conditions or deny the application. If an applicant is not satisfied with the decision of the Building Official, he may appeal said decision to the Planning Commission and the Planning Commission shall make the final decision.

- G. Tennis courts are permitted as an accessory use, provided the following procedures and standards are met:
1. All tennis courts shall require a building permit.
 2. Plans for tennis courts shall be submitted to the Building Official or his/her designated agent for review and approval prior to issuance of permits. Said review shall be based upon compliance with the following standards: the need for screening to protect the privacy of neighboring property; compatibility of any lighting; safety and prevention of damage to adjacent property by surface water runoff. The preceding standards shall be the minimum requirement, and the Building Official may deny a building permit and refer an applicant to the Planning Commission where the Planning Commission may require additional screening or other measures deemed necessary to preserve property values and personal safety.
 3. Tennis courts shall not be built in front of front building lines.
 4. Tennis courts shall be so located that the fence surrounding the courts shall be not less than thirty (30) feet from the front lot line, and not less than ten (10) feet from a rear lot line or interior side lot line. In the case of corner lots, the fence shall not be closer than the front setback line of any building on an adjacent lot or fifteen (15) feet, whichever is greater. Said fence shall be chain-link fabric, and shall not exceed ten (10) feet in height. The lighting level of any tennis court lighting measured at the property line shall not exceed five (5) foot candles, and all luminaries shall be provided with shields to control light spillage and glare.
 5. Tennis courts shall be so designed that the surface water will be carried to the public street or storm drainage system on the owner's property, or by underground pipe to the public street or storm drainage system, or if across other ownerships, copies of written consent must be provided to the Director of Public Works.
- H. Garage sales are permitted in District R1a, R1b, R2, R3, and R4. A household may conduct a sale of goods, furnishings, personal effects and clothing, from the resident's garage or property, by a sale not to

exceed three consecutive days; and provided further, that not more than two such sales shall be allowed each calendar year per household.

- I. Dumpsters and trash bins shall be located so that they are not visible from adjacent streets and properties and they shall be adequately screened from view by wall or fence enclosures that are of a building material that is complimentary to the principal building on the site.
- J. Outdoor swimming pools, spas and hot tubs are permitted as accessory uses, provided the following procedures and standards are met:
 1. All outdoor swimming pools, spas and hot tubs shall require a building permit.
 2. Swimming pool is any structure intended for swimming or recreational bathing that contains water over 24" deep. This includes in-ground, aboveground and on-ground swimming pools, hot tubs, portable and non-portable spas, and fixed-in-place wading pools.
 3. Plans for outdoor swimming pools shall be submitted to the Building Official or his/her designated agent for review and approval prior to issuance of permits. Said review shall be based upon compliance with the following standards: the need for screening to protect the privacy of neighboring property; compatibility of any lighting; safety and prevention of damage to adjacent property by surface water runoff. The preceding standards shall be the minimum requirement, and the Building Official may deny a building permit and refer an applicant to the Planning Commission where the Planning Commission may require additional screening or other measures deemed necessary to preserve property values and personal safety.
 4. Each swimming pool shall be completely enclosed by a fence or other permanent enclosure not less than four (4) nor more than six (6) feet in height. This enclosure shall be provided with self-closing gates equipped with a self-latching device. Such enclosures shall be not less than thirty (30) feet from the front lot line, and not less than fifteen (15) feet from the side street line in the case of a corner lot, except on reverse corner lots whereupon side setbacks should be based upon the adjoining front yard setback. The enclosure may be located on the interior side lot line and the rear lot line, subject to any easements, but the edge of the swimming pool shall be not less than ten (10) feet from any such interior side or rear lot line and not less than twenty (20) feet from a residence on an adjoining lot.
 5. In lieu of the fence or permanent enclosure, spas and hot tubs may be equipped with a safety cover. Said safety cover shall be classified under WBAH and have been evaluated to the American Society for Testing and Materials (ASTM) Standard F1346, Standard Performance Specifications of Safety Covers or equivalent. Each safety cover shall bear the classification marking "UL," the word "Classified," a control number, and the product name or equivalent.

6. Swimming pools may not be built in front of front building lines.
 7. Swimming pools shall be so designed that the surface water will be carried to the public street or storm drainage system on the owner's property, or by underground pipe to the public street or storm drainage system, or if across other ownerships, copies of written consent must be provided to the Director of Public Works. Swimming pools shall not be drained at any time which may cause icing or other hazardous street conditions.
- K. Utility boxes that have a footprint of twelve (12) square feet or less in area; a pad of not more than 2.5 times the area of the utility box footprint, but not larger than thirty two (32) square feet; and a height of not more than fifty four (54) inches, will be considered as an accessory to a utility line and the location, design and landscaping or screening shall be subject to staff review and approval of a permit as follows:
1. **Landscaping and Screening:** If landscaping or screening is required, a plan shall be submitted identifying the plant sizes and varieties.
 2. **Noise:** The utility box shall not emit any unnecessary intrusive noise.
 3. **Abandonment:** Any utility box not operated for a period of six months shall be considered abandoned and the box and pad shall be removed by the owners and the site returned to its original condition.
 4. **Location:** The utility will work with the city staff to determine a pad size and a location that is most appropriate and compatible with adjacent uses, including adjacent property owners' uses.
 5. **Wireless Facilities:** Utility boxes related to Wireless Facilities (as defined in Chapter 19.33) shall be as permitted, and with such conditions, as set forth in Chapter 19.33.
 6. **Appeal:** Any applicant that is not satisfied with the staff approval may appeal the staff decision to the Planning Commission; provided, this section shall not apply to any person who is availing themselves of the appeal provisions set forth in K.S.A. 66-2019(h)(6), as amended, as codified in Section 19.33.020.E of the City Zoning Regulations, or in Federal Communications Commission (FCC) Declaratory Ruling dated September 27, 2018, in WT Docket Nos. 17-79 and 17-84 (FCC 18-133, 33 FCC Rcd 9088), to the extent such FCC Declaratory Ruling applies and/or is in effect.

Section XVII.

Chapter 19.44 of the Prairie Village Municipal Code, entitled "Height and Area Exceptions" is hereby amended by amending Section 19.44.020 "Yard Exceptions" to read as follows:

19.44.020 Yard Exceptions.

- A. In districts R-1a through R-4 inclusive, where at least 5 lots or lots comprising forty (40) percent or more of the frontage, whichever is greater, on the same side of a street between two intersecting streets (excluding reverse corner lots), are developed with buildings having front yards with a variation of not more than ten feet in depth, the average of such front yards shall establish the minimum front yard depth for the entire frontage; except that where a recorded plat has been filed showing a setback line which otherwise complies with the requirements of this title, yet is less than the established setback for the block as provided above, such setback line shall apply.
- B. Where an official line has been established for future widening or opening of a street upon which a lot abuts, then the depth or width of a yard shall be measured from such official line to the nearest wall of the building.
- C. In all use districts, portions of buildings may project into required yards as follows:
 - 1. Chimneys, bay, bow, oriel, dormer or other projecting windows and stairway landings other than full two or more story windows and landings may project into required yards not to exceed three (3) feet, provided they are limited to no more than 20% of the total building elevation;
 - 2. Miscellaneous architectural features, including balconies, eaves, cornices, sills, belt courses, spoutings, brackets, pilasters, grill work, trellises and similar projections for purely ornamental purposes may project into required yards not to exceed four (4) feet;
 - 3. Window wells may project into required yards up to four (4) feet;
 - 4. Structures associated with the front entrance to the principal building or outside spaces, such as porches, stoops, canopies or porticos, may encroach up to 12 feet into the front or rear setback, and up to 10 feet into any street side setback, provided:
 - a. Any roof structure shall be single story, establishing an eave line between 7 feet and 9 feet above the top of foundation, and no gable or other part of the structure shall exceed 14 feet.
 - b. The structure shall remain unenclosed on all sides encroaching into the setback, except for railings or walls up to 3 feet above the structures surface.
 - c. The structure shall be integrated with the design of the principal structure including materials, roof form and pitch, and architectural style and details.
 - 5. All projections permitted by this sub-section shall not project into required side yards a distance greater than one-half the required minimum width of side yard;

- D. Open and uncovered porches, decks or patios less than 30 inches high may encroach into the required side or rear yards up to 3 feet from the property line, but are subject to the impervious surface coverage limits. If these structures are 30 inches high or more they shall meet all setback, building coverage, and lot impervious coverage requirements.
- E. In R-1a and R-1b, when applying the development and design standards, the building official may determine corner lots be oriented as follows, based on any prevailing patterns of the adjacent lots and blocks:
 1. Standard corner. The building orients to the same front as all other buildings along the same street and the front setback and design standards apply to this street. The expanded street side setback applies to the other street, the side and rear setbacks apply to the remaining sides.
 2. Reverse corner. The building orients to the short side of the block, different from other lots on the interior of the block, and the front setback and design standards apply to this street. The expanded side setback applies to the other street and the side and rear setbacks apply to the remaining sides.
 3. Intersection orientation. The building orients to both streets and the front setback and design standards apply to each street. The interior side setbacks apply to both abutting lot sides, and no rear yard setback applies.
- F. A through lot having one end abutting a limited access highway with no access permitted to that lot from said highway, shall be deemed to front upon the street which gives access to that lot.
- G. Accessibility to the rear portion of all lots in a district C-O to C-2 inclusive, for four-wheeled vehicles from and to a public street, alley or way shall be provided unless waived by the Planning Commission.

Section XVIII.

Chapter 19.47 of the Prairie Village Municipal Code, entitled “Landscape Standards” is hereby created to read as follows:

Chapter 19.47 – Landscape Standards

Sections:

- 19.47.010 Intent & Applicability.
- 19.47.020 Required Landscape.
- 19.47.030 Landscape Specifications.
- 19.47.040 Buffers and Screening.
- 19.47.050 Exceptions.

19.47.010. Intent & Applicability

- A. **Intent.** The intent of the landscape standards are to:
1. Create an attractive aesthetic environment in the City, and preserve the value of properties as new investment occurs.
 2. Improve the relationship of buildings and sites to the streetscape, and coordinate the designs of multiple sites and buildings along a block through consistent frontage designs.
 3. Encourage creative and efficient site design where the layout of sites and buildings can allow open spaces and landscape to serve multiple aesthetic, screening, environmental, and social or recreational functions.
 4. Enhance the environmental and ecological function of un-built portions of sites.
 5. Reduce the exposure and adverse impacts of intense land uses, activities and site conditions on streets and adjacent areas, and mitigate the effects through landscape designs.
- B. **Applicability.** A landscape plan shall be required for any application that requires a site plan approval per section 19.32. Landscape standards shall specifically apply to:
1. All development in the R-3, R-4, C-O, C-1, C-2, and MXD districts.
 2. Any permitted non-residential uses in the R-1A, R-1B, or R-2 districts, including any conditional uses, special uses, or accessory uses that have a landscape requirement as part of their conditions.
 3. Any single-family development project that requires streetscape or landscape improvements per the Neighborhood Design Standards shall meet the standards in Sections 19.06.025 and 19.08.025.

19.47.020. Required Landscape

- A. **Site Elements and Planting.** The required landscape shall be based on different elements of the site, according to Table 19.47 A: Plant Specifications.

Table 19.47 A: Plant Specifications

<i>Site Element</i>	<i>Trees</i>	<i>Evergreen</i>	<i>Shrubs</i>
Streetscape and Frontage: The area between the front building line and the street, including any plantings required in the ROW, used to	1 large tree per 40' of lot frontage; 2 large trees per 40' if buildings setback more than 30'.	n/a	n/a

Table 19.47 A: Plant Specifications

<i>Site Element</i>	<i>Trees</i>	<i>Evergreen</i>	<i>Shrubs</i>
create a relationship between the site and the public realm.	Corner lots shall meet this requirement on side lot lines at a rate of 50% of the streetscape and frontage rate.		
Foundation. Areas along the building frontage (within the first 10' – 20 from the building) used to provide accents and soften larger expanses of buildings.	1 ornamental tree per 25' of building frontage.	Evergreens may be substituted for ornamental trees at a rate of 1 for 1 for up to 50% of the requirement.	5 shrubs for 25' of building frontages.
	Side elevations on corner lots shall provide this standard on at least 50% of the building.		
Parking. Areas on the perimeter, or interior of parking where landscape is used to soften the appearance, mitigate heat gain and infiltrate stormwater.	1 large tree per 40' of parking perimeter; and 1 large tree per 40 parking spaces in internal islands or added to the perimeter. Ornamental trees may be substituted for large trees at a rate of 2 for 1 for up to 50% of the internal islands requirements.	Evergreens may be substituted for perimeter trees at a rate of 2 for 1, for up to 50% of the perimeter requirement that does not face a front lot line.	5 shrubs for 25' of perimeter. Any parking near the right of way or adjacent to lots may require buffers per section 19.47.040.
	Buffers. Areas of a site that require additional landscape to mitigate potential impacts on streetscape or adjacent property.		
	See Section 19.47.040.		

B. **Credits for Existing Vegetation.** Preservation of existing landscape material that is healthy and of a desirable species may count towards these requirements provided measures are taken to ensure the survival of the vegetation through construction and all other location and design standards are met. Credits shall be on a 1 for 1 basis provided existing trees shall be at least 4" caliper to count. Landscape material that is of exceptional quality due to size, maturity and health may be credited on a 2 for 1 basis. Trees or other existing landscape that contributes to the standard shall be protected by a construction fence installed at the greater of the drip line or 15 feet from the trunk of a tree, for the entirety of construction.

C. **Design.** The required landscape material shall be arranged and designed on a particular site in a way that best achieves the intent expressed in 19.47.010, with regard to the specific context, street frontage, property adjacencies and other elements proposed on the site. Specifically, designs shall:

1. Create an attractive site.
2. Improve the relationships of buildings and sites to the streetscape and block.
3. Promote efficient layouts of the site and landscape areas.
4. Enhance environmental and ecological functions of the site.
5. Screen and buffer any potential adverse impacts of site elements.

19.47.030. Landscape Specifications

- A. **Location.** Required plantings shall be planted in the following specific locations and open spaces on the lot.
1. *Frontage Trees.* Frontage trees shall be located in line with other trees along the block to create a rhythm along the streetscape and enclosure of the tree canopy. In the absence of a clearly established line along the block, trees may be planted the following locations, where applicable and in order of priority:
 - a. Street trees on center between the sidewalk and curb where at least 6 feet of landscape area exists;
 - b. Street trees 4 to 8 feet from the back of curb where no sidewalk exists; or
 - c. Private frontage trees within the first 5 feet of the front lot line where any constraints in the right-of-way or on the lot would prevent other preferred locations.
 - d. Where the depth of the frontage between the building and streetscape require additional trees per Table 19.47 A., any additional trees shall be located between the front building line and the street.
 - e. Ornamental trees may be substituted for large frontage trees only in situations where no other alternative is available due to constraints of the site and right-of-way conditions.
 - f. Planting of any frontage trees in the right-of-way shall be coordinated with Public Works for permits, location, and planting specifications.
 2. *Foundation Trees & Shrubs.* Foundation plantings shall generally be located in open spaces within 20 feet of the building, or within planting beds at least 8 feet deep and along at least 35% of the building. Groupings of required trees and shrubs are permitted to provide the best balance of the following goals:
 - a. Relate sites and building to the lot frontage and streetscape;
 - b. Accent or emphasize points of significance along the building frontage;
 - c. Soften larger expanses of building wall planes along the frontage; and
 - d. Maintain visibility of signs or key elements of the building.
 3. *Parking Perimeter & Island Planting.* Parking lot perimeters shall be permeable vegetated ground cover meeting the following size and dimension requirements:
 - a. Parking lot perimeters shall be at least 8 feet wide except for locations where walkways are necessary to provide

access to the building or to a public sidewalk in the streetscape, in which case the width of the walkway shall be added to the minimum 8 feet requirement.

- b. Parking lot islands shall be at least 120 square feet and at least 8 feet wide in all directions. Parking lots under 80 spaces shall not require islands; parking lots 80 spaces or more shall require at least 1 island per 40 spaces. Islands may stand alone within the parking lot or may project into the parking area from the perimeter buffer, but should generally be spaced equally throughout the parking lot. In general no space shall be further than 100 feet from an island or perimeter buffer, and no more than 40 consecutive spaces shall occur without being adjacent to a perimeter buffer, “end cap,” or “peninsula” island.

B. Specifications. Required planting shall meet the following specifications at planting.

Table 19.47 B: Plant Specifications

<i>Type</i>	<i>Specification</i>
<i>Large Tree</i>	2" caliper
<i>Ornamental Tree</i>	1.5" caliper
<i>Evergreen</i>	5' minimum height
<i>Shrub</i>	18" minimum height
<i>Ground Cover</i>	50% coverage at planting; Full coverage within 2 growing seasons
<i>Turf</i>	All proposed or required turf areas shall be sodded.

All landscape materials shall meet the American Standards for Nursery Stock, published by the American Nurserymen’s Association, and be selected for its native characteristics or survival in the climate for the Kansas City region, and be planted and maintained according to ANSI-accredited specifications for this region.

C. Tree Diversity. The required trees planted shall promote diversity with the following species selection criteria:

Table 19.47 C: Tree Diversity

<i>Required Trees</i>	<i>Diversity</i>
1 - 4	No specific requirement, but trees should be diversified from those existing trees in the vicinity.
5 - 10	At least 2 genus

Table 19.47 C: Tree Diversity

	No more than 50% of any one species
	At least 3 genus; AND
11 - 20	At least 4 species
	No more than 40% of any one species
	At least 3 genus ; AND
21 or more	At least 5 species
	No more than 33% of any one species

- D. **Maintenance.** All landscape plans shall include installation specifications, a statement on the of maintenance methods. All plantings shall be properly maintained. All elements of an approved landscape plan, including plant materials shall be considered elements of the project in the same manner as parking, buildings or other details. Plant materials which fail to grow within a 2-year period, or which exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated. The City may order that any plant that dies or is in danger of dying be removed and replaced by the property owner. Planting may be deferred for up to 6 months from completion of any site or right-of-way construction to allow for timely planting that ensures the health and survival of plants.

19.47.040. Buffers and Screening

Intense land uses or unattractive site elements shall be buffered and screened from streetscapes and adjacent property using the following strategies and techniques, which may require additional landscape materials beyond the requirements in Table 19.47 A.

- A. Areas of parking or circulation near streets or property lines may require 2.5 to 4 feet hedge and/or ornamental wall screen.
- B. Accessory structures, mechanical equipment, trash enclosures, loading or service areas, and other similar functional or utility elements of the site shall be buffered and screened from streetscapes or adjacent property with a combination of landscape, fencing, walls or other structure components compatible with the building design.
- C. Commercial uses, or parking service areas of non-residential uses allowed in residential districts, abutting residential property may require a screen and buffer combination, using a combination of dense vegetation, fences and walls compatible with the buildings, other structural or landscape elements of the site.

- D. Areas that transition to different uses or building scale, whether across streetscapes or between lots along the same street, may require enhanced landscape areas to soften transitions.
- E. Areas designed as gathering places, for social function or as civic amenities to support the site or area may require enhanced landscape to create human-scale spaces, comfort, visual interest, and appropriate transitions.

19.47.050. Exceptions

- A. **Administrative Adjustment.** Staff may grant an administrative adjustment of up to 10% of any location or dimension requirement (i.e. 9' or 11' instead of 10') and 25% of any plant requirement (i.e. 3 plants instead of 4 plants), or types of plant and species where the following criteria are met:
 1. The proposed landscape plan taken as a whole equally or better meets the intent of this section, and any design objective of the specific standards.
 2. The proposed plan incorporates any existing vegetation in a manner that is not better served by new plants.
 3. The proposed plan uses sound landscape architecture design principles and industry standards considering the context, species, and planting specifications that ensure the long-term maintenance and survival of plants.
 4. The request for the adjustment is justified by some specific conditions on the site that would make compliance with the standard less effective than the proposed plan or unreasonably difficult when compared to the proposed plan.
- B. **Site Plan Exceptions.** The Planning Commission may grant exceptions to these standards beyond what is permitted by Administrative Adjustments through the Site Plan review process. The Planning Commission shall use the same criteria stated for administrative adjustments. In addition, the Planning Commission may consider balancing the need for adaptive reuse of existing sites with a landscape budget proportionate to the amount of work being done on the site.

Section XIX.

Chapter 19.48 of the Prairie Village Municipal Code, entitled "Sign Standards" is hereby amended to read as follows:

Chapter 19.48 – Sign Standards

Sections:

- 19.48.010 Intent & Applicability.
- 19.48.020 Exempt Signs.
- 19.48.030 Sign Types.
- 19.48.040 Residential Sign Allowance.
- 19.48.050 Non-residential Sign Allowance.
- 19.48.060 General Standards Applicable to All Signs.
- 19.48.070 Standards for Specific Sign Types.
- 19.48.080 Design Guidelines.
- 19.49.090 Alternative Sign Plans.
- 19.48.100 Interpretation.

19.48.010. Intent & Applicability

- A. **Intent.** The intent of the sign standards are to:
1. Create an attractive aesthetic environment in the City.
 2. Enhance the quality and civic design of the community through the visual priority of buildings, open spaces, streetscapes, landscape, and other investments in the public realm.
 3. Preserve the unique character of distinct areas by ensuring signs contribute to an appropriate sense of place.
 4. Ensure safety of pedestrians, motorists or other users of the public rights-of-way with proper location, construction, design, operation and maintenance of signs.
 5. Promote economic viability by assuring that the City is a visually pleasant place to visit, conduct business, and live.
 6. Provide effective and efficient identification and communication for businesses, institutions, and other community destinations without excessive competition for visual attention.
 7. Protect property values and investments by minimizing adverse effects of signs on adjacent property, such as light trespass, obstructing views and access, or visual clutter and blight.
 8. Ensure that the constitutionally guaranteed right of free speech is protected through reasonable standards for signs as a way of public communication.
- B. **Applicability.**
1. All new signs and replacement of existing signs that are visible from the right-of-way, from adjacent property, or from internal publicly accessible common or private spaces intended to serve as an extension of public-streets and open spaces shall require a sign permit demonstrating compliance with these sign standards, unless exempt from a permit by Section 19.48.020. Ordinary maintenance, care, or repair of existing signs without altering the essential construction elements of an existing sign shall not

require a permit for zoning and design standards, but any associated electrical or construction work may require permitting per applicable building codes.

2. Applications for a sign permit shall be signed by the owner or the owner's legal tenant, and include plans and specifications demonstrating compliance with all applicable standards of this Chapter, and any other building and construction codes of the City. The Building Official is authorized to establish forms and submittal requirements, and may request any additional information on a particular site, building, or sign necessary to evaluate compliance with these standards.
3. Any owner of a site or building subject to property-specific sign standards approved by the City prior to December 1, 2019, may apply for a sign permit under these generally applicable standards and procedures. The owner may opt out of the previous property-specific standards by way of the application, and the owner shall issue a signed statement of that fact with the application. Upon approval of any sign applied for in this manner, the property-specific sign standards shall no longer be in effect, and any further property-specific standards shall only be enforced by the City subject to the standards and procedures in Section 19.48.100.

19.48.020 Exempt Signs

The following signs are exempt from the permit process provided they meet all other applicable requirements of this Chapter. Unless specifically noted, they are additional signs that do not count towards the sign allowance specified for the zoning districts. Any sign that exceeds the limits of the exemption may only be permitted within the allowances and standards of a specifically permitted sign type.

- A. ***Property Identification Signs.*** Signs clearly indicating the property address or building identification are encouraged to enhance the ability of public safety, emergency services personnel, and the general public to locate the property. Property identification signs are subject to the following limitations:
 1. ***Address Signs.*** Two per address up to 2 square feet each, only one of which may be ground mounted. Address signs on buildings shall be between 4 feet and 9 feet high. Ground-mounted address signs shall be no more than 36 inches high.
 2. ***Building Name Plate.*** Each building may have one name plate sign up to 3 square feet, except that a name plate sign such as engraved stone, bronze, brass or similar ornamental detail

integrated with the architecture and associated with the permanence of the building, rather than a particular tenant, may be up to 24 square feet when approved by the Planning Commission as part of the construction or substantial modification of the building.

- B. **Public Safety, Traffic Control or Public Information.** Signs designed and located to control traffic movement and safety of vehicles and pedestrians according to uniform traffic control device standards, signs required by the City's Building or Fire Code, or signs otherwise required to support any official action or legal obligation of a federal, state or local government, may be designed and located to meet the public purpose or requirements of other codes.
- C. **Flags.** Up to three non-commercial flags may be permitted per lot. Flags shall be mounted to the building and below the building height or mounted on a permanent pole subject to the height restrictions of the zoning district and setback from the property line a distance equal to the height. Total flag area per property shall not exceed 80 square feet and no more than 40 square feet per flag for property zoned residential, and shall not exceed 200 square feet or 96 square feet per flag for property zoned non-residential.
- D. **Window Signs.** Signs mounted to the interior of any first floor windows in non-residential districts, provided signs not exceed more than 33 percent of all first floor window area measured between 2 feet and 10 feet above the first floor elevation, and at least 50 percent of the entire window area remains clear of any visual obstructions including the sign area.
- E. **Temporary Signs.** Temporary signs are exempt from the sign permit process, provided they are within the allowances specified for the zoning district in Tables 19.48-2 and 19.48-3, and Section 19.48.070C.
- F. **Accessory Signs.** Accessory signs for non-residential uses or multi-family complexes, intended to convey messages guests, patrons, or other users of the site, such as parking instructions, internal directions, building names or unit numbers, security warnings, or other similar minor signs that are accessory if limited to:
 - 1. No more than 20 square feet total sign allowance per site, or 30 square feet per acre, whichever is greater.
 - 2. No more than 4 total signs per site, or 10 per acre, whichever is greater.
 - 3. No single sign may be more than 10 square feet;
 - 4. Signs shall be no more than 6 feet high, whether ground mounted or building mounted;

5. Signs shall be setback at least 20 feet from all property lines; and
6. Grouping or arranging minor signs to have the effect of a larger permitted sign or to convey messages and increase visibility to the general public (as opposed to guests, patrons or other users of the site) makes all signs ineligible for this exemption.

- G. **Construction Signs.** Signs associated with a temporary non-residential or multi-family construction project and erected to promote public information or public relations regarding the project if limited to:
1. Up to 80 square feet total sign allowance per public street frontage;
 2. No more than 3 signs per street frontage.
 3. Signs shall be mounted on a trailer, building or fence, or if mounted on the ground it shall limited to no more than 10 feet high; and
 4. The signs shall only be posted for the duration of a valid permit associated with the project.

Construction signs for single-family and two-family structures in the residential zoning districts are required to meet the applicable temporary sign standards for those districts.

- H. **Sale or Lease Signs.** One sign shall be permitted for any lot or building being offered for sale if limited to:
1. No more than 12 square feet for residential lots 1 acre or less.
 2. No more than 20 square feet for non-residential property, or any residential property on larger than 1 acre.
 3. No sign shall be more than 5 feet high if mounted on the ground, and no higher than 20' high or the top of the building, whichever is less, if mounted on a building.
 4. Only the period where the property is actively on the market or pending the finalization of a contract for sale or lease.

- I. **Interior Signs.** Any sign that is not visible from the right-of-way, from any point along the perimeter of the property or from adjacent property, or from publicly accessible common or private spaces intended to serve as an extension of public-streets and open spaces are exempt from permits and these standards, other than those applicable by building codes or construction standards.

19.48.030. Sign Types

The following general sign types are distinguished for the purposes of the sign allowances requirements in this Chapter.

Table 19.48-A Sign Types

Type	Description
A Wall Sign	A sign painted, printed or attached to the exterior surface of a building, awning, canopy or other fixed building surface in a permanent manner with a scale and design legible to vehicles in the public right-of-way or pedestrians at a distance from the building.
B Monument Sign	A detached sign that is mounted to the ground, independent from any building and on an enclosed, solid base or ornamental surface structure, with a scale and design legible primarily to vehicles in the public right-of-way or pedestrians at a distance from the building or site. Detached signs mounted on one or more poles columns or similar structures where the bottom edge is elevated above the ground are prohibited, except as authorized as Pedestrian Signs or Temporary Signs.
C Pedestrian Signs	A sign with a design and scale to be legible to pedestrians in front of or immediately adjacent to the building, or to be legible to individuals internal to a site containing multiple buildings. Pedestrian signs may be attached to a building or detached, provided they are located in a permanent manner such as hanging below a canopy or awning, projecting from a wall, mounted on a wall, door or window, or free-standing.
D Temporary Sign	A portable sign which is not permanently embedded in the ground or permanently affixed to a building or structure, and designed or intended to be used for a brief period of time.

19.48.040. Residential Sign Allowance

The following signs are permitted in the residential zoning districts (R-1A, R-1B, R-2, R-3 or R-4), for any planned version of these districts, and for any residential building or use permitted in a non-residential district.

Table 19.48-B: Residential District Sign Allowances

Wall Signs	<p>Permitted principal non-residential or multi-family uses:</p> <ul style="list-style-type: none"> ▪ 2 per building, but no more than 1 per wall ▪ Maximum 5% of façade total allowance, but, no more than 50 s.f. per sign. <p>[See additional wall sign standards in Section 19.48.070.B.]</p>
-------------------	---

Table 19.48-B: Residential District Sign Allowances

<i>Monument Signs</i>	<p>Permitted principal non-residential or multi-family uses:</p> <ul style="list-style-type: none"> ▪ 1 per lot ▪ 20 square feet maximum ▪ 5' high maximum ▪ Setback at least 3' from all property lines and at least 12' from a street, whichever is greater ▪ Requires Planning Commission Site Plan approval. <p>Monument signs for a neighborhood or groups of housing with 10 or more lots or at least 5 acres may be approved by the Planning Commission, provided:</p> <ul style="list-style-type: none"> ▪ No sign is larger than the above limits ▪ The design, quality and location is compatible with the character and context of the neighborhood; and ▪ There is a Homeowner's Association to ensure on-going maintenance of the sign and landscape. <p>[See additional monument sign standards in Section 19.48.070.A.]</p>
<i>Temporary Signs</i>	<ul style="list-style-type: none"> ▪ 32 s.f. total sign allowance ▪ 16 s.f. per sign max; ▪ 5' high maximum, or no higher than 20' or top of the roof, whichever is less if mounted on a building. ▪ 90 day limit per sign; 120 day limit for period where more than sign displayed. <p>[See additional temporary sign standards in Section 19.48.070.C.]</p>
<i>Pedestrian Sign</i>	<p>Permitted principal non-residential or multi-family uses:</p> <ul style="list-style-type: none"> ▪ 1 per each public building entrance ▪ 12 s.f. maximum ▪ Mounted on a wall within 10' of the entrance, or mounted on the ground within 20' of the entrance feature and no taller than 5 feet.

19.48.050. Non-residential Sign Allowance

The following signs are permitted in the commercial zoning districts (C-O, C-1, C-2, and C-3), and for any planned version of these districts.

Table 19-48-C: Commercial District Sign Allowances

<i>Wall Signs</i>	<p>Permitted principal uses:</p> <ul style="list-style-type: none"> • 2 per principle facade, up to 4 per building, except that any building with multiple office or store exterior entrances may have a sign, and the total area apportioned to its exterior wall space of each office or store. • Maximum 5% of facade total allowance, but no more 50 s.f. per sign. <p>[See additional wall sign standards in Section 19.48.070.B.]</p>
--------------------------	---

Table 19-48-C: Commercial District Sign Allowances

<i>Monument Signs</i>	<p>Permitted principal uses:</p> <ul style="list-style-type: none"> ▪ 1 per street frontage ▪ 20 square feet maximum ▪ 5' high maximum ▪ Setback at least 3' from all property lines and at least 12' from a street, whichever is greater ▪ Gas stations may have 1 monument sign up to 85 square feet, provided it is at least 50' from any residential property. ▪ Requires Planning Commission Site Plan approval. <p>[See additional monument sign standards in Section 19.48.070.A.]</p>
<i>Temporary Signs</i>	<ul style="list-style-type: none"> ▪ 48 s.f. total sign allowance ▪ 16 s.f. per sign max; ▪ 5' high maximum, or no higher than 20' or top of the roof, whichever is less if mounted on a building. ▪ 90 day limit per sign; 120 day limit for period where more than 1 sign displayed. <p>[See additional temporary sign standards in Section 19.48.070.C.]</p>
<i>Pedestrian Signs</i>	<p>Wall, Canopy or Awning Signs</p> <ul style="list-style-type: none"> ▪ 1 per 50 feet of building frontage, or 1 per storefront tenant, whichever is greater. Gas station canopies may have 1 per canopy face. ▪ 6 s.f. maximum ▪ Mounted directly on the surface of the wall, awning or canopy, or if hanging below, at least 7' 6" clear from the sidewalk below the sign. <p>Entrance Signs</p> <ul style="list-style-type: none"> ▪ 1 per primary business entrance, and shall be within 10' of the entrance ▪ 8 s.f. maximum ▪ Mounted flush to the wall, or if projecting may project up to 4' off the wall but must be at least 7' 6" clear from the sidewalk below the sign.

19.48.060. General Standards Applicable to All Signs

A. *Public Health, Safety and Maintenance.*

1. All signs shall be designed, constructed, located and maintained in a manner that is compliant with all other building codes, and in no way presents any potential risk to public safety in the judgment of the Building Official.
2. No sign shall imitate or resemble government signs for traffic direction or any other public safety symbol.
3. No sign shall be placed in any sight triangle applicable to public streets, internal access streets, or driveway access points using the sight distance provisions of Article 13-2A of the City Code.
4. Any sign projecting over a walkway or other active area in front of a building or other area where people may walk shall maintain at least 7' 6" vertical clearance.

5. All signs and any surrounding grounds or landscape, shall be maintained in good condition, free of any debris, weeds, disrepair or other unsightly conditions.

B. *Specific Designs Prohibited.*

1. No sign shall be placed on any vehicle or trailer, when such vehicle or trailer is placed or parked visible from the right-of-way, and the primary purpose of the sign is to deviate from the standards or criteria of this Chapter.
2. No sign shall be attached to any public utility pole or shall be installed within the right-of-way of a public road or street, except as permitted by the public authority or where specifically exempt from the right-of-way prohibition by this Chapter.
3. No sign shall include balloons, streamers, pennants or other air activated elements and animated elements, whether animated by mechanical, electrical, or environmental means, except as authorized through any temporary use or special event permit.
4. No sign shall have any electronic message, video display or other digital display, except the Planning Commission may approve the following through the site plan review:
 - a. Time and temperature displays, provided it is in place of an allowed wall sign and is a static display.
 - b. Digital display of prices for gas station monument signs provided no other information than price is displayed.
 - c. In each case, the Planning Commission shall consider the intent of these standards, and the potential impacts of the lighting or digital display on adjacent property.
5. Obscene signs are prohibited. "Obscene" is considered to be any material that:
 - a. the average person, when applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest; or
 - b. the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law; and
 - c. the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.
6. Any sign with a business message shall be located on the site of the business activity.

C. *Illumination.*

1. Any illumination shall be designed to eliminate negative impacts on surrounding rights-of-way and properties. In general, any direct source of light shall not be visible from the public street or adjacent residential property.

2. The light from an illuminated sign shall not flash or oscillate, or create any negative impact on adjacent property in direct line-of-sight to the sign.
3. External light sources shall be directed and shielded to limit direct illumination of any object other than the sign.
4. Exposed incandescent, neon or other tube lighting shall be limited to window signs mounted to the inside of the building, or as an accent of less than 10% of the sign area of other signs.
5. High pressure sodium, low-pressure sodium, and fluorescent lighting are prohibited.

19.48.070. Standards for Specific Sign Types

A. Monument Signs

1. All monument signs shall require Sign Plan and Permit approved by the Planning Commission according to these standards and criteria.
2. Monument signs shall be located within a landscape area at least 3 feet in all directions from the base of the sign, or be located in a large landscaped yard.
3. Monument signs shall have a base at least 75% of the width of the widest part of the sign. The base shall not count as part of the sign area provided it contains no messages or other component of the sign, and is otherwise integrated into the site as a landscape feature.
4. All monument signs and bases shall be constructed with durable, quality materials that complement the building and other site elements in terms of material, colors, and ornamentation.
5. All monument signs shall be accompanied by a landscape plan that integrates the sign area into the overall site, softens the view and appearance of the structural elements, and otherwise improves the view of the sign and property from the streetscape.
6. The Planning Commission shall consider the intent of this Chapter and the objectives of the Design Guidelines in Section 19.48.080 in approving a Sign Plan and Permit. Deviations from the specific design guidelines may be approved for any sign plan that equally or better meets the intent or design objectives of this Chapter.

B. Wall Signs. Wall signs are subject to the following additional limitations:

1. Signs attached to a building shall not extend vertically above the highest portion of the wall plane of the facade it is mounted on or the roofline, whichever is less. No portion of a building wall may be built above the roofline, that serves no other structural or architectural purpose, other than to mount a sign or expand the sign area allowance.

2. Signs attached to a building shall not project more than 12 inches off the surface it is mounted on unless specifically exempt from this limit by this Chapter.

C. **Temporary Signs.** Temporary signs are subject to the following additional limitations:

1. Any temporary sign shall be placed with the permission of the property owner, and it is the responsibility of the person placing the sign and the property owner to ensure the sign meets all standards and is removed when the applicable display time limit has expired.
2. Temporary signs shall not be illuminated or painted with a light-reflecting paint.
3. Temporary signs shall be constructed of rigid material, designed to resist quick deterioration from the elements, and securely anchored so as not to pose a distraction or hazard to drivers. Non-rigid materials (such as banners) shall be secured by a support or frame to avoid distraction of flapping and set back at least 20 feet from the pavement edge of the fronting roadway, or may be attached securely to a building or structure.
4. No temporary sign shall be displayed for more than 90 consecutive days, without 30 days intervening, and any temporary sign related to a particular event shall be removed within 7 days from the end of that event.
5. The period of time when a property has more than one temporary sign displayed shall not be more than 120 days in a calendar year.
6. Relocation of a temporary sign, removal of the sign for a short period, or removal and replacement with a substantially similar sign to expand the time periods is prohibited.
7. The Building Official shall be authorized to require the removal of any temporary sign that pertains to an expired event.

D. **Multi-tenant Buildings and Sites**

1. All signs for multi-tenant buildings or sites shall require Sign Plan and Permit approved by the Planning Commission according to these standards and criteria.
2. The sign plan shall demonstrate coordination of all signs on the building, allow sufficient flexibility for the replacement of signs or new tenants without the need for a new sign plan, unless a completely new sign design concept is proposed for the entire building or site.
3. The wall sign allowance may be apportioned to any tenant with a separate exterior entrance. In the case where all tenants share a common entrance the wall sign allowance may be apportioned to no more than two signs per facade.

4. The monument sign allowance for the building(s) and site shall meet the standards of 19.48.070.A, however the copy within the allowed sign may be apportioned to multiple tenants.
5. The Planning Commission shall consider the intent of this Chapter and the objectives of the Design Guidelines in Section 19.48.080 in approving a Sign Plan and Permit. Deviations from the specific design guidelines may be approved for any sign plan that equally or better meets the intent or design objectives of this Chapter.

19.48.080. Design Guidelines

All signs shall be designed to convey durability and a quality appearance. Signs should meet the following design guidelines, and where the Building Official determines that a sign presents a substantial deviation from these guidelines and could conflict with the intent of this Chapter, the Building Official may require that the sign permit application be reviewed by the Planning Commission, according to the procedures and criteria in Chapter 19.32.

- A. Materials, particularly for the frames, casings or bases of signs, should be chosen to compliment the architecture of the building, and coordinate with other accent materials or architectural details of the building. In general, natural construction materials such as wood, metals, ceramic, and stone should be used for frames of all wall signs and bases of monument signs. Synthetic materials should only be used if they are designed to resemble the recommended natural materials. Plastic or acrylic is discouraged as the primary component of signs, except when used for sign panels that are accompanied by frames or individual letter casings that add architectural details to compliment the building.
- B. Simple 2- and 3-color contrasting colors schemes should be used between the color of the background, letters, and accents to ensure legibility and quality appearances. Symbols and logos may incorporate other colors. Colors or color combinations that interfere with the legibility of the sign copy should be avoided. Fluorescent colors should be limited to accents and typically less than 10% of the sign area.
- C. The location of all permanent signs should be incorporated into the architectural design of the building. Placement of signs should be considered part of the overall facade design. Sign locations should be carefully considered, and align with major architectural features such as marquees, building name plates, storefront sign bands, cornices and parapets, entrance features, windows, canopies and other similar architectural features.

- D. Buildings that have multiple wall or ground signs should coordinate all signs for the building or site. Coordination may be established by combinations of two or more of the following:
1. The same fonts, in terms of color, scale, and style. However, a primary and secondary font may be incorporated into signs.
 2. The same sign background in terms of material and color or coordinated colors.
 3. The same casing or framing in terms of materials and style, provided it is prominent enough to be a visible coordinating element across multiple signs.
 4. A consistent scale, orientation, shape or placement of signs. For example, all oval signs, or all signs located within a sign band across storefronts.
 5. Other elements specific to a proposed sign package.
 6. Limited deviations in the consistency are allowed for:
 - a. Any one sign may reserve up to 33% of the sign area for logos or icons that are unique to the tenant and deviate from the consistency elements.
 - b. Any building with three or more significant tenant spaces, or other similar large building or sites, may have one gateway sign per facade that deviates from the consistency elements provided it is associated with a prominent point of entry or similar point of architectural emphasis.
 - c. Pedestrian signs may deviate according to section 19.48.080.E. below.
- E. Pedestrian signs should help create architectural variety and unique business identities from establishment to establishment. In multi-tenant buildings, pedestrian signs should be used to create interest and variety of the tenants, while overall building and site signs should create consistency and identity of the place and building.

19.48.090 Alternative Sign Plans

Shopping centers, office parks or other multi-tenant projects with 3 or more buildings or 4 or more acres may propose a property specific sign plan. The sign package shall be based on the intent, types of signs, and standards of this Chapter, but the Planning Commission may approve deviations to these standards where they find that the plan:

- A. Promotes a unique character for the area, and improves the image and identity of the project as it relates to the surrounding community.
- B. Presents uniform designs to coordinate multiple components of the project, and where there are distinctions in the type and design of the signs, they are well-coordinated in light of the overall plan.

- C. The plan has clear and explicit standards for the size, location, design and quality of the signs, and it anticipates future tenants or changes in tenants without requiring amendments to the plan.
- D. The property owner or landlord has authorized the plan, and any changes to the plan will require the property or landlord to submit a new application to be approved by the Planning Commission.

19.48.100. Interpretation of Measurements

The following shall be used in interpreting dimensional standards for signs:

- A. *Sign Area.* Signs mounted on or displayed as a standard geometrical shape shall be measured by the standard mathematical formula for that shape. Signs mounted on or displayed as an irregular shape shall be measured by the smallest area of up to two standard geometrical shapes that can encompass the entire sign mounting.
- B. *Detached Signs.* The area of the sign shall be computed by the entire area of the face of the structure, cabinet or module enclosed by the border of the frame.
- C. *Wall, window or other building-mounted signs.* Any building mounted sign mounted on a background shall be measured by the area of the background. If mounted directly on the wall, the area shall be computed by means of the smallest single and continuous perimeter of up to two standard geometric shapes that enclose the outer limits of the writing, emblem or other display.
- D. *Wall Area.* The area of a wall for determining that wall sign allowance shall be the continuous plane of the facade that a sign is mounted on, or when apportioned to multiple tenants the exterior wall area associated with each tenants gross leasable floor area. Structures built solely to expand the wall plane for the purpose of increasing the sign area or mounting a sign shall not count towards the wall area.
- E. *Window Area.* The area of a window for determining the window sign allowance shall be the actual surface of the clear glass inside the window casing. Larger windows or glass panels shall only count this area between 2 feet and 10 feet above the finished floor elevation.
- F. *Double-faced Signs.* Where the sign faces of a double-faced sign are no more than three feet apart at any location, only one face will be measured in computing sign area. If the two faces of a double-faced sign are of unequal area, the area of the sign will be the area of the larger face. In all other cases, the areas of all faces of a multi-faced sign or the surface area of objects will be added together to compute the area of the sign.

Section XX.

Chapter 19.50 of the Prairie Village Municipal Code, entitled "Alternative Energy Systems" is hereby amended to read as follows:

Chapter 19.50 – Alternative Energy Systems

Sections:

- 19.50.005 Intent & Applicability.
- 19.50.010 Solar Energy.
- 19.50.015 Wind Energy.
- 19.50.020 Geothermal Energy.
- 19.47.030 Definitions.

19.50.005 Intent & Applicability.

A. **Intent.** The intent of this Chapter is:

1. To allow residents to use renewable energy resources, specifically wind, solar and geothermal, as an alternative to the prevailing sources of natural gas and electricity.
2. To promote small-scale, site-specific energy strategies that can reduce consumption and reliance on fossil fuels or other non-renewable energy source, and allow more efficient heating, cooling, and lighting of sites and buildings.
3. To establish standards for the use of renewable energy equipment that ensure effective site design, minimize potential impacts on adjacent property, and promote the character of neighborhoods and districts in the City.

B. **Applicability.** Site-specific renewable energy systems that meet the standards of this Chapter are considered an accessory use to the principal use of property, and shall be approved by the issuance of a Building Permit, subject to all applicable building codes. Some applications also require Site Plan or Special Use Permits as specified in this Chapter. Applications for hybrid energy systems that use combinations of two or more of the types of systems in this Chapter may be joined as a single application, subject to the most detailed approval procedure for any component of the system. Any renewable energy systems not meeting the standards of this Chapter, or any authorized exceptions or alternative approval procedures specified in this Chapter, may only be permitted by a variance subject to the procedures and criteria in Chapter 19.54 of this ordinance.

19.50.010. Solar Energy. The following regulations shall apply to accessory solar energy systems:

- A. **Related Ordinances.** All equipment shall comply with any other applicable provisions of the municipal code or this ordinance, including building setbacks, yard requirements and height restrictions.
- B. **Solar Easements.** In order to preserve and protect the solar access accords between adjacent property, a solar easement may be arranged between adjacent property owners. However, the solar easement may not be used to negate any other development or design standard required by this ordinance or other applicable law. It is the responsibility of the parties to the easement to report and file the easement with the Building Official at the time of any building permit application that may be impacted by the easement.
- C. **Compatibility.** The design of any solar energy system shall generally be compatible with the character of the neighborhood or district, the architectural design of the buildings, and situated on a site in a manner that minimizes potential negative impacts on adjacent property or public streetscapes. Compatibility shall be evaluated as follows:
1. Systems mounted on pitched roof structures or vertical walls shall not project more than 5 inches off the surface of the roof or wall and be generally parallel to the roof pitch or vertical wall.
 2. Systems mounted on flat roofs shall be setback from the roof edge a distance equal to the amount they project off the roof deck, or be concealed from street level or ground level of adjacent property by a parapet. Any panels or accessory equipment that projects more than 2 feet off the roof deck shall be screened in the same manner as other rooftop accessory building equipment.
 3. Framing, mounting racks, piping, conduits or other associated equipment shall be designed, located or use colors to minimize the visibility from streetscapes or adjacent property, and blend with the overall design of the building.
 4. Ground mounted solar panels shall be located behind the front building line, and be setback from adjacent property by at least ten feet. No ground-mounted equipment shall exceed eight feet high. All ground-mounted equipment shall be screened from adjacent property and the street by fences, landscape or a combination of both. This provision shall not apply to solar energy facilities attached to utility poles, light fixtures or other similar accessory structures provided they be designed in a manner that integrates the energy collecting components into the design of the structure in a manner that does not significantly alter the appearance of the structure, when compared to other similarly functioning accessory structures.
 5. No solar panel shall be mounted in a location where it could create additional glare on adjacent sites or otherwise damage plants or structures on adjacent property from reflectiveness or

heat sources. Panels in locations with the potential to contribute to this situation may satisfy this requirement with manufacturer's specifications that demonstrate minimal glare, reflectiveness and heat gain.

- D. **Exceptions and Alternatives.** Any solar energy system that does not meet the standards of this section may only be permitted with a site plan, approved by the Planning Commission according to the procedures and criteria of Chapter 19.32. In addition, the Planning Commission shall consider the following criteria:
1. The intent of this Chapter, and whether the proposal is contrary to the intent of any other sections of this ordinance.
 2. The context of the application, and in particular the relationship of the proposed facilities to surrounding property.
 3. Whether the proposed design and requested exceptions are necessary to ensure that the function and efficiency of the solar energy system is maintained, and whether the exception could negatively impact other design or sustainability principles.

19.50.015. Wind Energy. The following regulations shall apply to accessory wind energy systems:

- A. **Site Plan Approval.** The following wind energy systems may be permitted with a site plan, approved by the Planning Commission according to the procedures and criteria of Chapter 19.32.
1. Wind turbines installed on any structure which is otherwise permitted to be three stories or greater, and at least 35 feet tall, provided that the wind turbines shall add no more than twenty additional feet to the structure.
 2. Wind turbines on structures less than three stories or under 35 feet tall, provided the turbine adds no more than one-half the actual height of the structure.
 3. Wind turbines installed on light or utility poles up to 25 feet tall, provided the wind turbine adds no more than twenty percent to the actual height of the pole.
 4. The Planning Commission shall consider the following criteria in addition to the general site plan criteria:
 - a. Whether the location and design of the turbine is architecturally compatible with the building.
 - b. Whether the location on the site is likely to generate noise, physical, optical (light-or shadow-flicker), or aesthetic impacts on adjacent property.
 - c. Any other potential physical impacts or conflicts from the location of the system, the type and typical function of the system, or other issues associated with the siting or operation of the wind turbine.

B. **Special Use Permit.** Any wind turbine in a non-residential zoning district, which does not meet the criteria or eligibility for site plan approval, may be permitted with a special use permit, approved by the City Council according to the procedures and criteria of Chapter 19.28. The special use permit shall meet the following additional criteria:

1. No turbine more than 150 feet tall may be approved in any circumstance.
2. Any ground-mounted turbine shall be on a lot of at least one acre.
3. All ground-mounted wind turbines shall be setback from the property line a distance equal to its height, measured at the highest rotation of the blades. When two or more turbines are on the same lot, they shall be separated from each other by this same distance.
5. Wind turbines shall be painted a non-reflective, non-obtrusive color that blends with the context, surroundings or buildings in the vicinity.
6. All tower structures shall be self-supporting monopoles, unless attached to a structurally reinforced roof where not support structure is warranted. Lattice structures shall no be permitted.
7. Blade sizes for rotary turbines shall be limited to 1/3 the support structure height. Blade clearance for a ground-mounted horizontal-axis, propeller-style wind turbine shall not be less than 30 feet at the lowest point.
8. Turbines shall not be lit unless such lighting is required by the Federal Aviation Administration (FAA) or other applicable authority.
9. Signs shall be limited to the appropriate warning signs (e.g. electrical hazard or high voltage) placed on the wind turbine tower(s), electrical equipment, and the wind turbine.
10. Reasonable efforts shall be made to locate utility connections from the wind turbine(s) underground, depending on the appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for the utility interconnections may be above ground if required by the utility provider. For electrical transformers with a footprint greater than 2 square feet in area, landscaping shall be provided where necessary to substantially screen the structure from public view and/or view of adjacent lots.
11. All electrical wires associated with the wind turbine shall be located underground or inside the monopole except for those necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the ground wiring.

12. Each wind turbine shall be equipped with both manual and automatic overspeed controls to limit the rotational speed of the blade within the design limits of the rotor. Manual electrical and/or overspeed shutdown disconnect switches shall be provided and clearly labeled on the turbine structure. No wind turbine shall be permitted that lacks an automatic braking, furling, or feathering system to prevent uncontrolled rotation, overspeeding and excessive pressure on the tower structure, rotor blades and turbine components.
13. The noise emitted from any wind turbine shall not exceed 55dbA as measured at the nearest property line, except during short-term events such as utility outages and severe winds.
14. No building permit for a wind turbine shall be issued until a copy of the utility company's approval for interconnection of a customer-owned generator has been provided. Off-grid systems are exempt from this notice.
15. Any wind turbine that is not operated for energy production for a continuous period of 12 months shall be considered abandoned, and the owner of the turbine shall remove it within 90 days of receipt of a notice from the City. If the turbine is not removed within 90 days, the city may remove the turbine at the owner's expense. Any wind turbine, functional or abandoned/inoperable, which is determined to be a public safety risk may be ordered to be removed by the owner. In the event that the owner does not remove the turbine in a timely manner, the City may have the turbine removed, with costs billed to the property owner as a lien against the property.

19.50.020. Geothermal Energy.

- A. **Site Plan Approval.** Geothermal energy installations are permitted with a site plan, approved by Staff, including all buildings, property lines, and location of pipes and other elements of the system. The site plan shall include a description of the system, the type, model, and brand of the system, and the contractor installing the system. A building permit will also be required, but may be incorporated into the permit of any other building being constructed associated with the system. Staff may require additional information if it is necessary to fully evaluate the site plan or building permit.

19.50.030. Definitions

- A. "Geothermal Energy" means energy that is stored in the Earth.
- B. "Horizontal-axis Wind Turbine" means the main rotor shaft of the turbine is oriented horizontally. This type of turbine must be pointed into the wind.

- C. "Meteorological Tower" means a tower separate from a wind turbine designed to support the gathering of wind energy resource data. A meteorological tower shall include the tower, anemometers, wind direction vanes, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics at a given location.
- D. "Roof-mounted Wind Turbine" means a turbine system mounted to the roof of a building.
- E. "Solar Access" means access to the envelope of air space exposed to the face of any solar energy system through which the sun passes and which allows the solar energy system to function. Such access is necessary to any solar energy system.
- F. "Solar Air Space Envelope" means that volume of air space whose lower limits are defined by a plane sloping upward to the south at an angle of twenty-two (22) degrees from the horizontal plane, measured from the bottom of the solar collector system and whose lateral limits are defined by planes which correspond to the direct rays of the sun on each end (east and west) of the solar collector system at 0900 and 1600 solar time from September 21 through April 21.
- G. "Solar Collector" means both passive and active systems. An active collector shall include panels designed to collect and transfer solar energy into heated water, air or electricity. Passive collectors shall include windows and window walls, which admit solar rays to obtain direct heat or to obtain heat for storage. Such windows and window walls of passive systems may extend to ground level. Greenhouses, atriums, and solariums are included in this definition.
- H. "Solar Easement" means an easement arising by agreement between property owners and establishing the solar air space envelope within which building and vegetation obstructions are prohibited.
- I. "Vertical-axis Wind Turbine" means the main rotor shaft of the turbine is arranged.
- J. "Wind Turbine" means any machine designed for the purpose of converting wind energy into electrical energy. Wind turbine shall include all parts of the system, including the tower and turbine composed of the blades and rotor.

Section XXI. Repeal of Prior Ordinances.

All ordinances and parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed.

Section VI. Effective Date

This ordinance shall take effect and be in force beginning December 1, 2019 upon and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED THIS 21st day of October, 2019.

Eric Mikkelson, Mayor

ATTEST:

APPROVED AS TO FORM:

Adam Geffert
City Clerk

David E. Waters
City Attorney